

Closed Caption Log, Council Meeting, 9/25/08

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please rise.

Pray with me. Loving god, you are the giver of dreams and the one who ignites the imagination. Thank you for these women and men who serve god and lead this city. We pray today for a blessing upon them that they may be responsive to your dreams for austin. We pray that you will continue to expand their imagination for all that the city can be. That they be guided not by fear but by your persistent and tenacious hope. A hope for a future that is good and life-giving to all who call our city home. Forgive us all for dreaming in black and white, the dreams that are too small, too limited, for dreaming as though the living spirit of god is not alive and at work in the this city that we love. Where he pray your goodness and justice be known in austin. That your dreams for our city would be realized. That there be no distance between east austin and northwest austin, between saint john's and circle c. We pray for good schools and good teachers, good parent and good neighbors. Good businesses and good non-profits. Tonight we pray for those here that govern and lead austin. Thank you for their courage and commitment. We pray that they would continue to dream dreams that are full of color, full of hope, full of risk. And that we be a city with the courage to live fully into those dreams. We pray this in christ's name. Amen.

Mayor Wynn: Thank you, pastor. There being a quorum present, at this time I will call to order this meeting of the austin city council. It is thursday, september 25th, 2008. , here in the city council chambers, city hall building, 301 west second street. Before I get to the changes and corrections to this week's posted agenda, actually even before I ask about potential items from council, I want to apologize in advance. I have a -- I have a serious enough ear infection and i have temporarily lost a lot of my hearing. So after we get through this consent agenda, my instinct is later in the day as we start to have more dialogue on the dais, I will probably have to turn the gavel over to the mayor pro tem to hopefully hear and recognize folks who want to speak. So -- so I feel fine. And I'll stay here for the votes. But -- but know I'll be listening very closely.

Mayor, I have to confess my hearing has never been the same as the tedd new gent concert in 8th grade.

This normally happens after acl fest, not before. Before.

Martinez: Mayor?

Mayor Wynn: Yes.

Martinez: When I was a kid we would go through this. My grandmother would roll up like a thin piece of cardboard or newspaper and make a funnel in your ear, she would light a candle, it would totally clear it out. If you want me to call an old relative over here to -- [laughter]

Mayor Wynn: I'm more on on the lemon and whiskey side of that. Which I've been trying. So -- so let's see. So council, any potential items from council, councilmember leffingwell?

Leffingwell: Mayor, almost a year ago now, we passed the barton springs zone redevelopment ordinance and concurrent with passage of that ordinance the council directed staff to go back and take a look at revising the manuals, environmental criteria manual and -- and relevant codes to -- to make sure that we are doing a good job and that we are protecting against pollution during the construction phase, not just in the zone, but all over the city. So -- so I'm glad to say that that has now been done. A big stakeholder process, everyone was involved. They are ready to go. The process of briefing the boards and commissions now and they will be -- they will be -- staff will make this briefing to -- to the council sometime in late october. And the manuals will be revised and any relevant code amendments will come to us next february. So I just wanted to give you a heads up on that.

Mayor Wynn: Thank you, councilmember. Further potential upcoming items for council?

Martinez: Mayor. Hopefully next thursday, but if not the immediate subsequent council meeting, I will be bringing forward a resolution that asks staff to help us amend our towing ordinance. We -- I had a meeting yesterday with about five officers and -- we went through example after example and we have some very significant gross negligence as it relates to our -- to our tow truck drivers. Including an assault charge filed recently against one of them for illegally towing a car and the owner of the car telling him this is my car and I have rented this entire parking lot, and bylaw they are required to drop the car if you -- if you show up as the owner, they have not pulled off, they are required to drop your car and let you move it. He wasn't even illegally parked. They didn't drop his car. They towed it and maced him in the face. All on videotape. This is one example of multiple scenarios that were brought to my attention yesterday. And -- and in the interest of full disclosure I was illegally towed two weeks ago. It was a towing company not even registered in the city of austin. Shouldn't even be towing. They patrol these parking lots, they have these illegally placed signs. In august alone there were 3,335 tows. At 200 bucks each, that's \$500,000. That's what our citizens are being stuck with. Some of these companies are acting completely out of line. I will be bringing forward a the officers who do our towing liaisons are going to be helping craft some teeth to the ordinance to make sure these predator towers are held accountable for their illegal actions. Not everybody in the towing industry it bad, this should not reflect on every tow truck driver, but there are a handful who are completely taking advantage of some loop holes in our ordinance, we are going to try to close those loop holes and create some enforcement to

where they will act more appropriately.

Thank you, sounds very appropriate. Potential items from council. If not I will read into the record the changes and corrections to this week's posted agenda. 3, we should strike word operational, insert the words grant funds and then note that this is in austin energy's [indiscernible] budget special revenue fund. 5, we should insert the amount in the phrase in the amount of \$30,000, and strap -- strike that no match is required, and insert the sentence austin community will fund an in kind match in the amount of \$30,000 in the fiscal year 2008-'09 austin energy operating budget. 6, note this is austin energy's special represent new fund. Item 14 we need to correct the dollar figures. We will strike the first figure, and insert 3,513,084.15. Plus a corrected contingency of [indiscernible] for a total amount to be 3,688,738.36. We will be postponing item 26 TO OCTOBER 2nd, 2008. 29 has been withdrawn. On item 34, we should note that the funding in the amount of \$75,000 is available in the economic development fund. Not egrso's fiscal year 2007-2008 operating budget. 133, the zoning case, we should insert the additional -- zoning designation of a conditional overlay. So in fact the proposed planning commission recommended zoning is m 4-co-np. [Indiscernible] postponing THIS ITEM TO OCTOBER 16th, 2008. Council, currently no item has been pulled off the consent agenda other than our two public safety union contract items. Item 24 -- 25, excuse me, regarding our e.m.s. Department, and items 44 regarding our contract with -- with the austin police association or a.p.d.'s personnel contract. Off the consent agenda. 34, regarding -- regarding outside legal help on the -- on the stop domain subsidy item, because we will take that up in closed session prior to taking that item up. Council, any additional items to be pulled off the consent agenda. Councilmember leffingwell?

Leffingwell: Item 79. Did you mention? 79 Is associated with 96 in executive session. So do we want to hold off until we do the executive session?

Yes, thank you.

Mayor Wynn: Council, any additional items to be pulled off the consent agenda before I read the proposed consent agenda numerically? Hearing none, then our proposed consent agenda this morning to approve item no. 1, The minutes from our previous and our special called meeting, september 8th. From austin energy, approving items 2, 3, per changes and correction, 4, 5 and 6 per changes and correction. And 7. From our austin water utility, we will be approving item 8. From our community court department, approving item 9. From our contract and land management departments, approving items 10, 11, 12, 13, 14, per changes and correction, 15, 16, 17, 18, 19, 20. 21, 22, 23. From our emergency medical services department, medical service -- approving item 24. We will be postponing item 26. OCTOBER 2nd, 2008, PER Changes and corrections. From our health and human services department, we will be approving item 27. 28, We would note that item no. 29 has been withdrawn. We will be approving items 30, 31, 32, and 33. From our library department we will be approving items 35, from our neighborhood housing and community development department, approving item 36, and 37. From our neighborhood planning and zoning department, approving item 38, and 39. From our office of emergency management department, approving item 40. From our parks and rec department, approving items 41, and 42. From our police department, approving items 43 and 45. From our public safety and emergency management departments, approving item 46. From our public works

department, approving item 47, 48, 49, 50. From our purchasing office, approving items 51, 52, 53, 54, 55, 56, 57, 58, 59, 60. 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74. From regulatory affairs office, approving items 75 and 76. From our watershed protection and development review department, approving item 77. 78 our or board and economics nominations that ail -- board and commission nominations that I will read into the record. To our 2006 bond oversight committee, david anderson is nominated by councilmember shade, michael casillas by councilmember martinez and beverly silas by councilmember cole. To the austin community education consortium, connie sedowsky is my nominee. To the austin travis county mhmr board of trustees, i have nominated roberto chapa, junior and tony english. To the child care council, i have nominated ariele cloud, representing aisd. And councilmember shade has nominated margie sanford. To our community development commission, councilmember leffingwell has nominated [indiscernible] carver. To our construction advisory committee gaynell wilson nominated by councilmember morrison. To the downtown commission, rich garza representing the austin music commission was nominated by councilmember martinez. As was linda guerrero who represents the parks and recreation department or board and mayor pro tem mccracken nominated dustin lanier who represents the urban transportation commission. To our ethics review commission, councilmember morrison has nominated susan morrison. And councilmember shade has nominated lisa -- chi or si. Sorry if I'm mispronouncing that. To our housing authority at the city of austin, I've nominated thelma pinelle. Councilmember shade nominated gretchen hoffman to the library commission and william harris, junior to the mechanical plumbing and solar board. To our mexican american council advisory board, councilmember leffingwell nominated juan [indiscernible] and to our urban renewal agency, I have nominated kevin cole. 78, the nominations to our board and commissions. We will also be approving item 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, and 90. We will be setting the public hearings by approving item 91, 92. I'll entertain a motion on that proposed co agenda. Motion by councilmember cole. Seconded by councilmember morrison. [Indiscernible] [laughter] to approve the consent agenda as read. Further comments? Bear with me. Councilmember morrison?

Mayor, I wanted to make some comments on -- on item no. 38. The interim update to the comprehensive plan. That's an item approved on first reading on j 18th, I BELIEVE, BEFORE I Was on council. It was an item that -- that -- where council has directed staff to make recommendations on updates to our current neighborhood -- excuse me, comprehensive plan, not neighborhood plan. That was written in 1979, clearly we needed some updates and we're in the process now of going forward with a whole new comprehensive plan. We're going to hear about that more later this afternoon, in the interim we are going to be making updates to make sure that we have the current comprehensive plan called the austin tomorrow plan, that it was current with the existing policies that we had. Now that I've had the opportunity to read it and heard from some citizens with other comments on it, i wanted to first thank the staff for all their work in the first draft that went through. And then also I would like to -- to read into the record comments and some modifications to the first reading that I would like to propose. I understand that we also have in staff's backup some staff recommendations or changes to the first reading. So -- so if I could just -- I do have red lines here of all of the changes, but rather than go through the tedious process of reading all of that, those -- what i would like to do is just give you a general overview of the types of modifications that I'm suggesting. And then just to give you a preview of what I'm going to do is make a motion to approve on second reading and that way we can then merge

the staff comments and my comments into one version, put them all online for the public to review and councilmembers to review and then we could go forward with third reading. So I -- just a -- briefly give a -- on a description of the types of changes that I'm making, I put them into three categories, four categories. The first one includes actually a majority of my suggestions. It's an effort to make sure that we maintain the strengths of the policies that we had back in 1979. So for example they look very minor, but I think they are substantive changes. For example, where we used to have the word -- that we should develop or we should formulate policies to achieve a certain goal. Some of those got changed to just continue to adhere the policies that we have. I was concerned that could weaken the actual goals that we have. I will give you an example here. One was to -- to develop a city-wide plan for street landscaping. To indicate the importance that we have for our street scapes. And the first draft recommended has rather than say -- recommended that rather than say we develop it that we continue to support the city-wide plan. Well, my concern was that we might not have fully achieved all of the perfect goal of the street scapes that we are looking for. So I was -- for this kind of change, my recommendation is to change -- continue to support, to develop and continue to support. Just to make sure that we don't lose any of the strengths. The second set of comments that I have really address the -- some concerns that I had about maintaining the emphasis that there was an original plan and I was concerned that some of the emphasis could have been lost. And an example of this is where we were talking about a provision, we had a goal in the original plan with -- with let's see a provision on transportation for those with mobility impairments or defining affordable housing. Of course we want to have transportation for everyone, but rather than striking the words those with mobility impairments, I wanted to make sure that we maintained those words so we kept that in our mind as we go forward. And the third category has to do with some policies that were modified or deleted in the first reading recommendation and I wanted to make sure that because we still have those goals, we have never given up those goals that we -- that we didn't lose them as goals. Even though we may not have achieved the goals yet. So an example here is there was a goal -- that was modified when it had the concepts of pursuing our environmental goals through comprehensive utilization of pertinent state enabling legislation and it changed -- the first reading changed that just to enforcement of existing regulations and so -- so rather than -- of course we want to enforce existing regulations, but I think we also want to continue to try to go forward and be as strong as we can. In environmental regulations. Then the last category, which I'm getting to now, is just a few miscellaneous changes, that I couldn't really categorize, so just real briefly, one one policy said in the original austin tomorrow plan to encourage lake zoning all along ladybird lake. Well, in the day that it was written, lake zoning didn't have a height associated with it. Now lake zoning has a 200-foot height. So I wanted to make sure that we maintained the original intent of that, that we are not really encouraging as a policy 200 feet all along ladybird lake. I don't think we changed to that goal. So I just made a simple suggestion in there to change rather than saying we encourage lake zoning all along the lake, it says I would like to change it to say we encourage lake uses all along the lake. Because that was the original intent. Let's see. There was one more concerning it in policy 12 concerning accessibility, it was added to say that we want to encourage accessibility and quality of downtown streets and I think that really our goal is broader than that in our policies right now. To encourage it to -- to improve the quality and accessibility of all of our streets city-wide. So that kind of recommendation is just to change downtown to city-wide. Then one last, there was a goal that was added which I completely agree with that to reduce the amount of ozone

created. Again I think that we have a broader policy here and that is not only to reduce the amount of ozone and but also to improve air quality overall. So I wanted to add those words because I think that's really our current policy. I wanted to move that we approve on second reading the comprehensive plan update with the proposed changes that I have just read about as well as staff's proposed changes and to ask staff to post these changes with the backup online to allow the public to view all of them before third reading. Comprehensive plan.

Mayor Wynn: So let's see. Councilmember cole would you consider changing, approving item 38 to second reading only and then acknowledging these potential amendments, posting them online and bringing it back at a future council meeting?

Cole: Yes, mayor, I do. I would like to compliment staff and councilmember morrison and her staff and all of staff for all of the hard work that we have put into the interim updates. I know that today we are going to receive a presentation on your upcoming comprehensive plan, and I will have some comments about that, but I would like to make a second motion.

Mayor Wynn: Great. Council, before I take additional comments on the consent agenda, we do have a handful of citizens that would like to give us testimony on items that we currently have proposed for the consent agenda. Let's see, our first potential speaker, item no. 10, Which is set to be approved. Akwasi evans, signed up wishing to testify. evans, you will have three minutes.

Good morning, mayor, council, city manager. On item 10 I signed up against the item. [Indiscernible] observer newspaper, the newspaper has done several stories on the neighborhood's concern about putting this homeless shelter on manor road. And there's been almost unanimous consent among the residents of that area in opposition to this and I support that opposition. We think that there are many undesirable facilities in east austin. Very few in west austin. And we would like to ask the council to look for another site, preferably in west austin. Northwest austin. To place this shelter rather than in east austin where the neighbors have said they would not like it to be. Thank you.

Mayor Wynn: Questions, comments? Councilmember martinez?

Martinez: Thank you, mayor. I wanted staff to comment on evans' concerns because it's my understanding that this tract is not up for redevelopment nor is there a proposed homeless shelter or transitional housing for this site. Is that correct? Can you introduce yourself.

Yes. Lorraine [indiscernible], manager of real estate. Mayor and councilmembers, the applicant has wanted to vacate a portion of this alley for future development and the future development would be like a retail mixed use. Is what the applicant has indicated to us.

What is the current zoning on this tract?

I don't have that.

Martinez: If you could send me up an e-mail and i will follow up and let mr. Evans know the current zoning and the potential redevelopment of this site discussed thus far.

Thank you.

Thanks, mayor.

Cole: Mayor? Mayor?

Mayor Wynn: Councilmember.

Cole: evans, also, I'm not sure if you were referring to items number 122 and 123, which is -- involves 5908 manor road and in windsor park?

Yes.

Cole: Okay. That item is actually on our zoning agenda and I have heard that it may actually be postponed. I'm not sure if it's coming before us today. But your comments and the comments of the many neighbors that we have heard from in that area are duly noted.

Thank you.

Mayor Wynn: Further comments. Item no. 10. We have a few more citizens that want to give us testimony. 19 which is a professional services agreement related to our water treatment plant number 4, let's see bill bunch is signed up wishing to give us testimony. Welcome, mr. bunch. Three minutes.

Thank you, mayor, members of council. I wanted to urge you to postpone this item for proper posting and also for further consideration. As you all may recall, you had at your very first meeting for councilmembers martinez and cole, emergency item to rush forward with water treatment plant 4. So that we could have that plant done by 2011. It was an emergency then, it's not an emergency now. The staff is now saying the target date is 2014. From our beyond staff's calculations we save 3 million every year we can postpone this plant. So we're talking about \$40 million of savings that you have already enjoyed by slowing it down this much. And with the phenomenal success in what's really a first year effort of our water conservation efforts, it's now crystal clear that we do not need any additional water treatment plant capacity for probably two decades or more. Even assuming high growth rates. I sent you an e-mail laying out why I think this is improperly posted. The backup makes clear it's more than just preliminary and investigations but also contracting with this company to do the construction. This is -- while it was a great move to get the plant out of bull creek preserve and out from the threatening the -- the bull creek headquarter springs. This transmission maintainings through that preserve under those springs and poses an enormous threat to the hydrology of bull creek and those upper head water springs and the endangered salamanders that live there. So I urge you to step back, save us some money on this. And also understand what you are doing. Our total historic high-time use is 240 million-gallons. That was back in 2001. And because we have been successful with conservation, our peak this

year despite incredibly long, hot and dry summer, was only 219. Million gallons per day. This transmission main that you are here to approve isn't just for 50 million mgd. You may have thought that because that's the first phase of the plant. This is a 300 million-gallon per day capacity transition main. Well more than double the total amount of water use in our system. Today. So you are talking about 100 year expenditure, hundreds of millions of dollars. It's time to slow down. Please -- please kick this into the future. And you need a recommendation from your water and wastewater commission. Four out of seven had to recuse themselves. That's a -- there's a problem with the water and wastewater commission. It's too important to move forward without them considering it. Thank you.

Mayor Wynn: Thank you, mr. bunch. Councilmember morrison?

Do I have it on now? Good, sorry. A couple of things. I wonder if maybe perhaps smith could comment on the posting issue that was just raised.

Yes, I can comment. I have looked at bill bunch's e-mail in which he points out what he thinks is a posting inadequacy and i disagree with him. I think the item is adequately posted.

Mayor Wynn: Thank you. I guess that I do want to respond to one of the comments that he made regarding the fact that we had -- we had four out of seven water and wastewater commissioners that had to recuses themselves [morrison I personally as a councilmember look forward to relying on all of the commission's recommendations because they bring expertise to the tables that councilmembers can't really have. And what I wanted to raise to my colleagues to think about is that we do have -- we do have -- as we go forward with water treatment plant number 4 or not, all of the -- we may run into this situation with our water and wastewater commission specifically with regard to water treatment plant number 4. So I would look forward to ideas about how we can have actually some kind of an advisory, citizens advisory potential on water treatment plant number 4 if we're going to end up not having a quorum and not being able to get recommendations from our water and wastewater commissioners.

Mayor Wynn: Agreed. If I could, councilmember morrison's last comment there, there was a couple of items on our agenda that aren't related to water treatment plant number 4 but also couldn't get a recommendation to us from the commission because of the recusals because apparently I guess some appropriate way some of the folks who serve on that commission are in fact engineers or probably employed by companies that do work both privately and with the city. I agree with the councilmember at some point we have to figure out what that might mean for us receiving advice from the commission. Councilmember morrison?

I'm sorry, I had one more comment on that. I wanted to ask staff if they could clarify about this contract. As I understand it, it's for the preliminary design and environmental assessment of the jollyville transmission line. Does the contract also include -- any language with regard to the -- the design and then construction of that transmission line?

Greg [indiscernible], austin water utility director. The first phase of this is for preliminary engineering and environmental work. The rfq process by which we selected this engineer would have included services

for the final design. We will be able to do final design once we get through preliminary engineering because you are not always sure of the route. The engineer is often added to support during construction. They don't do the construction. But we get engineer support services during construction. However, this -- today is just about the preliminary engineering and the environmental with future amendments that would come to council as we progress through the design of this transition main.

So we already have a contract with these guys now we are just funding part of it, is that sort of what's going on?

No, we selected this firm through a qualification based process. This would authorize us then into enter into a contract with them for preliminary engineering and execute that contract.

Okay. Then the environmental assessment that they are going to be doing, is there some kind of mechanism that we will be able to make sure that that report or assessment is then able to be reviewed and discussed by interested folks in the community?

Sure. We can arrange to have those steps taken and make sure that that's -- that's involved with the community.

Okay, great, thank you very much.

Thank you, greg. Council, I think we have one more citizens that would like to give us testimony on an item that's on the consent agenda. 43, is an interlocal agreement with travis county regarding concept of booking and debbie russell is signed up wishing to give us testimony. Welcome, debbie, you, too, will have three minutes.

Good morning, mayor, council. I just wanted to take this moment to reiterate the need for implementation of the citation option. I think approving this item today is a good chance to -- to review that these numbers again in our report that we put out last july, the citation, not taxation report. And I put up on the screen there the page with the -- with the numbers that calculate the cost savings we could incur if in fact we implement this option fully. And again there were three different formulas that we used. This was the most conservative formula using just the basic numbers that we got from our open records request through the city. And so you can see up there all of the costs that are involved in arresting and booking people. Today's item is just one piece of that cost. And so I am going to be continuing to -- to push for the -- for the public safety task force and for council to consider a quarterly review. After this first quarter of this fiscal year to go to -- to look back, if in fact i should -- I should say if in fact the police chief does implement and put into policy the citation option as he said that he would at the beginning of november, if that goes forth and we see a couple or three months of that put forth, I think it would be a very good chance to look at what our initial cost savings are going to be and look at possibly passing those on before -- before the fiscal year is out to I think is a and fire that we didn't get any extra staff there, but yet we got 24 new officers. We are on the verge on both e.m.s. and fire. I urge you to consider both the quarterly review and to keep your eye on these numbers in the next few months and especially to -- to continue to ask the chief to put into policy as soon as possible citation

option. Thank you.

Mayor Wynn: Thank you, ms. russell. In my last conversation with the chief he was very optimistic about his recent conversations with the other partners in the immediate austin area regarding citation. Council, I believe that's all of the folks, citizens who have signed up wishing to give us testimony on items that are on the proposed consent agenda. Comments? Councilmember leffingwell?

Leffingwell: I just want to comment on item no. 80. 80 was presented to the public health and human services subcommittee we did vote to endorse it. What it is, it's a program that's going to be initiated, a research program initiated by the university hospital at brackenridge. This is part of an overall research program that will enable them to transition from a trauma to trauma level two health care center to a level 1 center. They have to do -- they have to check off the box. Do so many research projects. This does not involve the use of any new or unproven drugs. Both of these anti-convulsant drugs are currently in use, currently f.d.a. approved. What the city is doing with regard to this resolution is we are endorsing the community consent that is required to -- to treat patients with this drug when they are unable to give their own personal consents. We are not giving consent, we are endorsing the community concept which would enable them to go forward with this research program and I support it because I think that it's important that our -- that our local hospital or public hospital be certified at the highest possible trauma level and that's good for the city of austin.

Mayor Wynn: Thank you, further council comment? Councilmember martinez?

Martinez: Mayor, item 83 is enter that we have been trying to -- something that we have been trying to look at. We have been looking at pecan street festival, their operation. This will help if he can can street continue -- pecan street continue this great event. If you went down, it's a wonderful family omnisciented event. Life music. But the auditor's office came back and found that the pecan street was running about as tight of a ship as they could run, there wasn't a whole lot of profit generated. Actually there's no profit generated, there wasn't enough revenue generated to cover many of the fees that we charge for street closures, police overtime, the recommendation from the auditor's office was that we move forward with a -- with a long-term agreement with pecan street if we want to maintain the event as it is. Free, open to the public, you know, in downtown austin. So this item, you know, it allows pecan street to continue what they're doing. Sets them up for the next spring run, but in the next step the council adopted resolution is asking the city manager to sit down with pecan street and try to work out an agreement that maintains this as a permanently supported events by the city of austin moving forward. I'm hopeful that we can begin this conversation shortly after we adopt this resolution so that pecan street can continue to happen. Thank you.

Mayor Wynn: Thank you, councilmember. Further comments on our proposed consent agenda? 46 is -- is approving resolution regarding our series of interlocal agreements that among other things relate specifically to -- to hurricane ike relief, both here in the city but also to our south and east. I guess I want to take this opportunity to ask the city manager, perhaps the assistant city manager garza to just give the public a brief update as to where we are today with both our local shelter operations and the fact that we have had a number of different personnel scattered throughout southwest louisiana, southeast

texas.

Well, mayor, it's been an incredible effort as you know by a whole bunch of people throughout the entire city. The fact situation changes almost by the hour. It has in fact changed again as of this morning. I've asked Rudy Garza to provide the latest information and status of -- of the city hosting evacuees from Houston and Galveston.

Good morning, mayor, council, Rudy Garza, assistant city manager. We are in fact in the final phases, hours of closing our shelter operations at the convention center. 30 we sent a group of about 100 evacuees and staff from Galveston that had been here to support our operations, they are on buses on their way to Galveston. We have another bus leaving right after lunch for a couple of families that are from the Houston area. And at this point our staff continues to work with just a handful of families that are trying to keep the process with FEMA and social service agencies to get their assistance that they need for their housing here. So convention center shelter is closed at this point. The Delco shelter remains open for the handful of families that are in the process of completing their transition and will be closed tomorrow morning.

My understanding that the FEMA resource center is still open gives recreation center, folks can access that by calling 211 or 311 perhaps.

They can call 311 and get directions to the gives including FEMA and assistance they may need. Thank you all it's been a remarkable effort. Again further comments on our consent agenda? We have a motion and a second, technically amended agenda. Item 38 is [indiscernible] hearing no comments, all in favor please say aye? Opposed? Motion passes on a vote of 7-0. Thank you all. So, council, we have a couple of items that we pulled off the consent agenda. Specifically related to our -- our personnel contracts. Items 25 regarding our department and item 44 regarding our police department. I would like to turn the mic over to the city manager to perhaps introduce those items, we do have a handful of folks who would like to give us testimony on those two items. Mark?

Thank you, mayor. [One moment please for change in captioners] and for police department respectively. I would like to tell you that -- I know that you already know this, but certainly for public consumption, that these are, in our opinion, two of the most conservative contracts since the city began the meet and confer process. And while I say conservative, the contracts, we believe, are balanced and in the true spirit of a win-win set of circumstances for both the city and our two unions. At some point I'm going to have the assistant city manager Mike McDonald give you an overview of the contract, but before I do that I want to take a moment myself to highlight just a few of the elements in these contracts. I will begin our three-year contract with a fourth year option for the city. When comparing the three required years of the contract, the police contract represents a 48% reduction 7 million compared to the previous three years, contract is a 28% reduction or \$2.2 million. Both contracts actually signal the elimination of the 2% public sift premium that I think many of you know has been quite controversial in the city. The pay increase is key. Certainly as important police departments at the top of the market so I would also tell you that among the top in the entire nation. This allows us obviously to continue to attract the very best and most talented people to our public safety department. Our police contract represented

enhancements to the citizens oversight process and allows officers more time to fully understand their cases and internal investigations. The police contract also enables us to consolidate our police -- park police, city marshals and airport police into the police department. This allows us to achieve a unified command structure of police operations throughout the entire city. Also the police contract has a modified entry process which allows experienced officers from other departments to -- and finally the e.m.s. Contract assists us in maintaining our management structure and [inaudible] testing. BEFORE I ASK MR. McDONALD TO Come up, mayor, I would also like to take a moment here to acknowledge and thank quite a few people, and I would begin that by acknowledging the city's core negotiating team and I would begin by acknowledging assistant city MANAGER mike McDonald who, quite frankly, did an incredible job providing leadership for these labor negotiations. Of course, mike's normal duties entail being assistant city manager up on the third floor in this building. He is certainly over police and he has been for most of my ten year on temporary assignment leading the negotiations team. In addition to mike on the team we have bruce mills, anita stevenson as part of our labor council team. Lowell denton, also our labor counsel. Bernard parks, jessica blueberg, howdy hodgkins lawyer, and devon [inaudible] I believe. That's our core team. Then, of course, we had even further specific representation with respect to team and the police team. team we had james [inaudible], john ralston, robin sanders and elizabeth provencio. On the other side, the e.m.s. Team, we had [inaudible] tiger, steve stewart, mike sheffield, tom sribling and the rest of the team. The city's police team included patty robinson, sam holt and mike cronich. Then on the police association team [inaudible] right over there. He has an incredible I name. George vanderule, tom sribling and the rest of their team. Special thanks to the [inaudible] management and association that included shawn shepherd, steve reed and michael smith. And I just want to personally extend my appreciation to all of these individuals, labor and negotiations is never an easy task. I think many of you know that I come from the state of michigan and at the first 20 years of my experience in collective bargaining environment, I can tell knew the state of michigan labor negotiations can be a contact sport, quite frankly. And it was really not that here. I think that both sides came to the table with reasonable expectations, brought a level of stability to the discourse that they were involved in [inaudible] fairly lengthy period of time. And I nothing but admiration and praise to offer to our union and certainly to the city's negotiating team that was headed by assistant city MANAGER mike McDonald. I would also add, mayor, i want to acknowledge you and this council for your leadership and guidance and support. I don't think we could have gotten to where we are today without your leadership. I also extend our heartfelt appreciation. With that I would ask mike McDONALD, ASSISTANT CITY manager McDonald, to come forward and [inaudible]. Mike.

Thank you. Good morning, mayor and council. michael McDonald, assistant city manager over the public safety department. Before I begin the overview of and police, I'd like to start off by saying I've been fortunate in my career where I've been involved in quite a few of these labor negotiations, and comparing the two, you know, strong economic times versus challenging times, I can tell you the challenging times are really tough. Those negotiations are a lot more involved because the associations and unions, their membership become accustomed to the way things are during positive economic times. I can tell you during this -- during these sessions that I'm very, very proud to have worked with both the e.m.s. And the police association. You know, certainly when we first came to the table, many -- they came to the table with some of those original expectations, but certainly as we start having

discussions about the tough economic times that this city is facing, they stepped up to the plate. And I can tell you this is one of the times where they set aside their own personal interests in the spirit of what was right for this community and for the citizens and so I thank them for their understanding. I'll begin with the e.m.s. Contract. contract is a three-year contract with an optional fourth year. The base wage increases are 5% in the first year, 3% in the second year. In the second year there's an asterisk there and basically that signifies in the event the economic times are still strained and city employees 5%, then personnel would receive a 2.75% increase. So there's an adjustment there in the event we're still experiencing challenging times here in this community. The third year is a 3% wage increase, and then the fourth year at the city option is a 3% increase. The total estimated costs for those three years is 5,629,314. If we exercise the fourth year option, the cost would be 9,391,465. Some of the benefits to the city in this contract, first of all, drug testing. Like I say, the e.m.s. Association, there was overwhelming support for this. In fact, we talked quite a bit in some instances they gave us an orientation on how we can actually make it better. So that's the level of support they brought to the idea of drug testing. It's important to the city because, you know, it's certainly something we can do, but if we have buy-in from the association, it certainly makes it a lot easier to implement. Also we were allowed to separate our operations managers. That's the next level below the assistant directors, out of the union. The reason that was important to us is that's a critical management level in the organization and we thought it was better served with being part of management. And then positive employee response to other issues addressed during this process, you know, commonly folks think of the -- just the dollars and cents that are involved in these negotiations. But it also presents another opportunity to sit down with the association, hear some of the other interests that are going on and resolve other issues that ultimately do not end up in the contract. And so that was also important to us in this process. association benefits, of course as the city manager mentioned, the 53% and 3%. Particularly during these economic times, are secured in the contract. That's a benefit for them. They were receiving soft pay items such as education and certain types of certifications. They now have those in a contract with us. And there are promotional opportunities that I'll be discussing in a moment. Other gains in the contract was with regards to promotion and transfer policies and internal investigations. There were a lot of discussion in these areas and what we agreed to was a stipulation in the contract where if we made changes in those particular areas, we would sit down with the association and have discussions with them before we implemented any changes. The association also is going to have the opportunity -- also gained association business leave. This leave allows them opportunities to work with their membership and to work abroad for those association mission. And then outside the contract, another gain that was a win-win for both sides is the clinical specialist position. One of the concerns was that the organization was too flat and there was not an opportunity for upward mobility. What the clinical specialist does is it adds a first level of promotion below the first level of supervision, and that gives the members of the association opportunity for career development. And so we certainly think that that's an added benefit fort worth for both sides. With regards to the police contract, the police contract is also a three-year contract with a fourth-year option. 5% increase. The second year is the 3% with the same economic indicator that I talked about with the , in the event city employees received less than 5%, then they would drop to 2.75%. The third year is a 3% wage increase with 1% going to -- and then an additional 1% going to the retirement contribution. And then a \$4 a month increase to their longevity. And then the fourth year option would also be if the city chooses to take that option a 3% increase with additional 1%

going to retirement and the \$4 increase was only supposed to be in the third year. The estimated cost of the three-year contract is 24,443,630. If we exercise the fourth year, it's 44,161,595. And again, as the city manager stated before, in these economic times, they really stepped up to the plate when you compare the three prior years, that's a \$22 million savings. Some of the benefits for the city in this contract is, as the city manager mentioned, elimination of the public safety premium. Enhancements to the citizen oversight process. When we began-when I was in the early negotiations when we were able to achieve citizen oversight, one of the concerns from the community was the fact in some cases after feeling as if your rights have been violated by a police officer, having to sit down and then give complaints to a police officer. There were a lot of discussions early on in the contract, we were not able to achieve that early on, but in this contract in the event a citizen -- when a citizen has a complaint, they will come into the monitor's office. The monitor's office will take the entire complaint and then that complaint would then be forwarded to internal affairs for investigation. Which is a major gain. But other enhancements to citizen oversight is the training. Members of the citizen panel complained about the training being too comprehensive and in many cases some of the areas that they were required to receive training on was not applicable. We were able to streamline that process and get the things in there that are certainly needed to perform in that role. And then another -- again, another major enhancement was more time to review the cases. Currently when they would go -- when the panel would go into sessions, they would only have that period of time to review the cases. In this contract the panel members would be able to schedule time with the monitors on their own and have an additional five hours each to review the cases either before their session with the panel or after. Another benefit for us, which is a mutual benefit it, in our opinion, is consolidation. This is one of the resolutions that you gave us last year before we went into negotiations that we try to achieve consolidation of our park police, our city marshals and our airport police. Some of the initial discussions that we thought were going to be an impediment during this process, if you recall some of the early projection was about 5 million to achieve consolidation. Through a lot of hard work with the association, with the management of the police department, we were able to streamline that down to 6 million in the first year and then the ongoing years 3 million, which is a significant improvement. In the area of hiring, another portion of your resolution from last year was modified hiring process where we would be able to transfer experienced officers into the police department with modified training. This would allow us to get that experience on the street particularly during the night shifts where we tend to have a lot of inexperienced officers. So certainly that is a gain where we would be able to recruit from other departments. We were also able to achieve enhanced flexibility hiring. This contract gives us additional flexibility in how long the eligibility lists would last and how long we could go about utilizing people on those lists after we've expended so many resources and getting them qualified. There is flexibility there. It also includes an internship program where successful completion of the internship over a four-month period or what's equivalent to a semester, once we come up with that process and enter people into the process, those that successfully complete the process would be placed at the top of the eligibility list. I can't tell you what that's going to do for our minority and women recruitment efforts. Disciplinary extension of agreed 180 days. Some of the investigations that take place, the officer -- I mean, internal affairs investigations can be complex, and in certain cases there's interest both on the officers' side and on the city's side to extend that 180 days which is mandated by state laws. That gives us flexibility to reach agreement and extend the 180 days. With regards to promotions, there's the provision that gives the chief more

flexibility in the event he chooses to exercise demotions. And it maintains the appeal that there is officer would have. And finally it gives us the ability to merge the detective and [inaudible] both the association and police management agreed it would be more beneficial to the organization to have those two ranks combined. For the police association, there were quite a few benefits. First of all, as I talked about with the e.m.s. Contract, this solidifies and secures those incremental pay 53% and 3% the third year. And again during these economic times that's certainly a plus to have that guarantee. There's additional contributions to the pension in this contract. Officers -- under other issues, officers receive more time to review their cases. Just as we talked about concerns from the panel not having enough time to recases, that was a concern from some of the officers. This gives them additional time to review their disciplinary cases. With regard to citizen oversight, for the balance of all of this, it allows the monitor's staff to -- in the event they need to be questioned during an arbitration, they would be allowed to be subpoenaed to the arbitration. And again, this on the surface seems like a lot, but it's just a balance to what we were trying to achieve with having the monitor's staff be able to take the complaints, the association felt it would be fairer, it would only be fair if they could take the complaints. In any event they need to be questioned, that could take place as well. And finally vacation payout. This allows officers that have been terminated from the department and that are awaiting arbitration to use their 240 hours of vacation and 160 hours of exceptional vacation so they would not have to go without pay during that period of time of their accumulated leave as they awaited their arbitration. So council, that concludes my overview of the contract. Again, both sides are very proud of this contract and we ask for your approval.

Mayor Wynn: Thank you, chief. We do have a handful of folks who signed up to give us testimony including representatives from our two employees association. Welcome.

Good morning, mayor, council, city manager. I guess you are wondering why I called for this meeting this morning. First I would like to thank -- I'm a corporal with the austin police department, vice president of the austin police association and the lead negotiator for the meet and confer team. I wanted to thank debbie russell with the aclu for donating her time to me this morning. I would also like to thank george, our 38-year-old president of the police association for giving me the ability and the latitude to hand select the members of the meet and confer team, some of which are out here today. Lieutenant john sistens, mike bowen, chris perkins and senior police officer tim mack lynnson. As we began this process six months ago, we were faced with a couple of challenges. One of the challenges came from council member mike martinez who asked us to open up the process to the public and to the media. The second challenge came from councilmember lee leffingwell who expressed that he had some concerns about the 2% public safety premium. Being a trained officer that i am, I asked him what his definition of concern was, and he said he would not be able to support it. That was very clear from that point on and it was echoed from the city manager's office during the negotiation process. Which I found kind of amusing because these guys have been labeled as the union guys and this was a grand departure the union 101 master play book. Some of the things that we were able to do with this contract was to maintain our wages, benefits and working conditions for the officers while preserving management rights for the city. The two things I'd want to piggyback off of that city MANAGER mike McDonald talked about was the office of police monitor, allowing them to do the intake process of that before it gets forwarded to internal affairs for the investigation. That was a huge item for our members and for the team. But when we started looking at things in that you know the majority of the complaints that come

into internal affairs are self-generated internally by our own officers, approximately 70% of the complaints are generated by our own officers. We hold ourselves accountable for that. That's the benchmark that we've set and, you know, we owe that to ourselves, out on the streets we owe to the citizens we serve. The other thing we talked about was recruiting. Opening up the recruiting process to be very dynamic, very fluid. When you have a city that's 156 miles south of us that offers \$12,000 signing bonuses to recruit officers, we had to face those challenges. And this would give us the flexibility for our recruiting division in order to change with the times that are present and open up the recruiting process. It wasn't about lowering the standards, but it was about opening up the applicant pool to hire qualified applicants. And in closing, our department is really proud the demographics of the department matched the city of Austin and there is always room for improvement and we continue to move in that direction. Again, I want to thank the mayor, councilmembers and city manager for your leadership and continued support for the police department. Thank you.

My name is George Vanderhill, president of the Austin Police Association. Just as a side bar last year when I became president of the police association, all the media reported that 37-year-old police lieutenant George Vanderhill was now the -- this is what six months of contract negotiations does for you. [Laughter] This has been an interesting contract to watch be negotiated, and I really want to commend both teams, the police association's team and the city manager's team led by assistant chief Mike McDonald. It was interesting because of the constraints that we faced in terms of what was occurring in the economy, in trying to balance that with the needs of our association members and needs of the citizens. I think every time we enter contract negotiations there's a belief that both sides will walk in, they will make their proposal, shouldn't last more than a meeting or two, and we'll come to consensus and agreement. And then after several meetings reality sets in. In this case I think both sides went out of their way to keep the interest of the citizens at the forefront instead of personal agendas and, you know, personal wants and likes and dislikes. And I want to commend both teams for that. And I really want to commend assistant city manager Mike McDonald for the leadership he brought to the city team and Corporal Takisunuki. That's how you keep it straight. Both of them brought a great deal of leadership to their two individual teams and allowed them to work through issues. I think it's a good contract. It's win-win for both sides and we encourage ratification. Thank you.

Mayor Wynn: Thank you, George. Before I ask for some more comments perhaps from the city manager, a handful of folks had signed up wish to go give testimony. A enough folks from the association who gave their time to George or Tank. I just want to confirm are there any other folks who would like to give us feedback or testimony on item 44, which is the police contract?

Thank u Debbie Russell, ACLU Central Texas chapter. And I do want to recognize that we've had some major improvements in our system in the past couple of years in terms of openness, accountability and a lot of new blood as well. I think that is definitely -- things are looking hopeful. And as far as this contract, what -- what I would like to just take you back to, seven years ago we had a task force formed, citizens came together with the police union together with management and worked very hard for a few years on developing what we thought was a good citizen oversight model. And that was -- at the last minute it was actually signed off and agreed to by the union. Things were looking good, but something happened. Behind closed doors. And so after that came out, what we have is -- what we had five years

ago is a contract that watered down citizen oversight terribly, and since then we've done the best we could with it. It's working for what it is and we appreciate the efforts that have been made to make what is a very soft, fairly toothless system workable and actually work for the community. There is a lot of people that have gone through the process and they say they were thankful for being able to at least express themselves. But very few people have actually been satisfied with their outcome. Very few things from the citizens standpoint has actually led to any disciplinary action being taken. If you'll look at the August 2007 office of police monitor report that they presented to you guys, you will look at the huge desperation between when IAD recommends sustaining -- sustains allegations between officer driven complaints and citizen driven complaints. The numbers are astronomical. Just looking at that tells you we don't have a good system. This new piece of this contract which, you know, this contract essentially mirrors the last. There's been no everyone test for the union to make significant changes or hark back to recommendations made by that task force. So, you know, I understand that and I'm grateful for what little we did get, but going -- taking the complaints -- [buzzer sounding] I was supposed to have six minutes. I don't know if I can finish in 30 seconds.

Mayor Wynn: Just go ahead and take time to conclude.

All right. Going straight to the pmo, the police monitor's office, I think is a good step, a positive step. There remains to be seen because we're concerned about internal affairs actually investigating the complaints that they didn't actually meet with the witness on. So they have to decide still whether to interview the witness and there's very little of that happening now. That's something we need to look into. Like I said, we've had some good positive changes. We have some new blood. I think we have a police union who is dedicated to moving into more open process and I look forward to the next five years with our new city manager and union leadership to bring back to the table some citizen input and to look at best practices across the nation for what is it season oversight could look like. The other piece I think that is good here is that there is less training requirements for the citizen panelists. It was next to immaterial possible meet the requirements before so at least we have something workable now. But the good things that they are talking about, there's a couple of pieces here, what was listed in today's item is that we have this 30 extra days on top of the 180 days. What we're calling a loophole. We have a state law that says if the complaint isn't processed and finalized within 180 days time, then it drops. There's nothing we can do. What we could do actually is in this contract we can, we do have legal authority to override that and we haven't talked about that. When we have the highest paid officers in the nation, we really need and deserve to have the strongest oversight system we possibly can have. And to have the most meaningful oversight system we can have. And I want to mention that we have -- the police monitor I'm sure has told you by now that we have the national association for citizen oversight coming and bringing their conference here to Austin next fall and I'm going to be pursuing every city leader to participate to the fullest. I think there's a lot of education that needs to take place across the board so we can move towards a more workable citizen oversight piece five years from now. And we used to have a three-year turn-around contract, now we have to go back to five years unfortunately. One last piece I want to mention is just that the -- we do have one thing we could do. I think one thing that would be very positive we can do outside this contract right here and know and I know [inaudible] is starting this project is put signage up. It's a very simple measure. I'm sure we can find a couple hundred dollars to make some plaques, put it at every substation, downtown, everywhere

the public engages, physically engaging the police department, a plaque that says that we have a police monitor, what it does and where it is, how to find it. That has been the biggest problem is our citizens not even knowing it exists and right now under this contract if they go to complain, nobody is required to tell them we have a police monitor's office. I can still take that complaint, can still choose to take that complaint. We're thankful for the small steps forward in the direction of oversight and we look forward to working with you over the next five years for much more stronger contract. Thank you.

Mayor Wynn: Thank you, ms. russell. And lastly nelson lender signed up wishing to talk to us. Welcome back. Will you have three minutes.

> Mayor, council, city manager, I'm going to take a slightly different approach to this process of civilian oversight because in 2002 when we observed [inaudible] clearly it was devastating in this community. I don't think any contracts solved that problem, I think personnel did. If we examine the process -- actually the past two years, clearly a police chief who communicates and respects all people can solve a lot of these problems. When you place value on human life and you hire the proper personnel, no contract would produce that. I want to go back to what it means to be a human being. It means to have equity and treat all people the same. If we ever put as much emphasis on equity as we do on diversity, this could be a truly great city. We put a lot of emphasis on diversity but not enough on equity. Let me tell you this, if you hire the right people who bridge gaps, who respect all people, who talk across lines whether it be race, whatever, that's how you solve these problems. When you talk about having an office out where people can go in and file their complaints to civilians, civilian oversight, that's a great change. Once again, if the folks there are not committed to justice taken fourth amendment, it doesn't mean a whole lot. I would encourage to you look at your personnel, how the best -- hire the best possible people and hold them accountable. When folks communicate and see the human being in all of us, that solves a lot of problems. I'm not going to micromanage the contract, I want to look at personnel because we know with chiefs like ausvedo, let me challenge you things on the sheets are going on and most are personnel complaints. Respect, simply speaking to people. Also when you respond to resistance, everybody deserves the same light. If nothing else, remember that all of us are human beings, we're all equal even though it's not reality and make sure you hold people accountable. If you don't do that, no contract is going to save us. I want to thank the personnel for taking the chances, and they have, taking a risk, and also realizing when you treat people like human beings a lot of it takes care of itself. You've made very courageous decisions. And finally to our city manager, it's very clear to me that in the past we have not had mutual respect. And without that you don't have mutual cooperation. It's clear you create an environment where it says if you respect everybody, you are going to get proper results. This is not rocket science, this is basic 101 dealing with human beings. I think your demeanor says we respect everybody. We also respect civil and noncivil employees, the same kind of respect. That kind of perspective to me means a whole lot. I would encourage you to keep respecting everybody with regards to raise. [Buzzer sounding] make sure folks are honest and we hold people accountable. Thank you very much.

Mayor Wynn: Thank you, mr. lender. Council, I think that's all the folks that signed up to give us testimony on the police contract item, number 44.

Mayor?

Mayor Wynn: City manager may have a couple of comments, before I entertain the motion.

I wanted to also take a moment to really single out someone else and that is Lowell Denton. He's in the back there. Distinguished looking gentleman. Raise your hand, Lowell. Lowell she as council knows, was our lead labor attorney for all of these negotiations, and I just wanted to acknowledge his leadership and the exceptional job that he has done for the city, has done in the past dealing with respect to these negotiations. For those of you who don't know, Lowell is held in high regard throughout the state with respect to labor negotiations and we feel very fortunate to have him part of our team so thank you very much for all of your effort.

Mayor Wynn: Agreed. Council, comments? Councilmember Martinez.

Martinez: Real quickly I wanted to ask actually a technical question on whether or not we're taking up both items at the same time with one motion.

Mayor Wynn: We could. I just thought it might be appropriate to do that individually and have folks give us testimony on the e.m.s. contract.

Martinez: As most folks know, I know very well what it's like to sit down in a negotiating room and go through a difficult process of trying to balance your membership's needs and the community's needs as well. I was pleasantly surprised at the way negotiations took, police and the city. And including the peacing group. We're still working on the fire contract and I think we're going to get there. I encourage their team to continue the negotiations, continue the discussions, but I do commend you all for accepting some of the challenges that we laid out, specifically to police. I felt like it was important to create a transparent process and it's something that's not required in the statute, but you guys openly and willingly discussed it after discussing it a bit and pushing back but we got there and we were able to create an open process where citizens could participate in terms of watching the negotiations and create that level of trust. We're starting to build it back. We've done some great things over the last year. I believe this contract will allow us to continue to do those things, continue to improve relationships in the community, create that mutual respect and trust between the community and our police officers. folks as well, thank you for your efforts. We take a lot of hits for the amount of money we spend on public safety. But, you know, I firmly believe that as a minimum that's what we should be doing as a city is trying to keep this -- our community safe. I thank you all for your work that you do on a daily basis, but I want to thank you specifically today for your negotiating efforts.

Mayor Wynn: Councilmember Leffingwell.

Leffingwell: I want to thank everybody involved in this process especially Chief McDonald AND THE STAFF AND Negotiatees on the part of the APA and the employees association and just, by the way, congratulations to the guys for their first contract. This is your first one. And that's got to be a landmark. But this is what happens when both sides approach these negotiations with mutual respect and the

desire to listen to each other. We can have a good process. We reached agreement on a contract that's good for the employees and it's also good for the city of Austin. It fits within the confines of the budget and addresses community needs and I'm proud for sticking to that goal and I've got to throw in knees negotiations were complicated a little more by the additional factor thrown in of consolidation, which was something that we put a very high priority on a couple years ago that's going to be very important for the city going forward. We'll have a better police force. Our citizens will be better served with the standardization and unified command and control that comes with that. And in addition to that, we will save money down the road as this consolidation takes place and we begin to modify the way we patrol our parks and airport. And I've got to mention that it also protects us from potential lawsuits. The way we're operating in the past, certainly there's a major question as to the legality of doing that. This resolved that issue and puts it behind us. Echoing councilmember Martinez's statement that public safety is a high priority, it is the highest priority in all the citizen surveys we do for the budget, public safety comes in at number 1, so we have to -- we have to provide the highest level of public safety service in the city. It's very important. So with that said, I'm going to move approval of the meet and confer agreements reached, items 15 and items 44.

Mayor Wynn: We have a motion by councilmember Leffingwell approving a combined motion item 25 and 44. That is both of our -- the two posted public safety contracts. Seconded by councilmember Martinez. If you don't mind, council, before I call for that vote, we have a couple of folks who wanted to give us testimony specifically on the e.m.s. Contract which we had posted as item 25. I want to make sure folks have a chance to talk about that. The city manager and chief gave a good summary of that -- of the contract, but I see Nelson Lender, Steve Stewart quasi Evans signed up to give us testimony.

I'll be very brief. Council and Mayor, City Manager. Under your key provisions drug testing, we have a comment regarding reasonable suspicion. I want to sort of warn you a little bit that there are also unreasonable people in the world and they don't have reasonable suspicions so you might talk about just cause because too often there are folks that can be very subjective and focus on certain people. I would add you might want to consider the importance of just cause which in my opinion can balance your focus on reasonable suspicion. Also the fact all employees should be treated the same. My focus is black and brown people. If you have the same policy, why is it inequitable. If you focus on just cause, that would answer most questions. The final comment concerns economic provisions. Once again I haven't seen very much focus on noncivil service employees. All people in the city are important so when you recognize the little folks among us that do equally important work that is correct just creates a whole different environment and I want to commend you for doing that. You [inaudible] management, union prepares and everyday employees. That says you are serious about being inclusive and these kind of things makes a much better city and makes your employees complain less to us. I want to encourage you to always include your employees in all your discussions, and once again make sure sure when you talk about reasonable suspicion, realize there is a 14th amendment and just us a cause is always equally, equally important. Thank you very much.

Mayor Wynn: Is Steve Stewart with us?

Steve Stewart gave me his time. I'm district commander with and one of the vice presidents of the

austin-travis county e.m.s. Employees association and a participant in our bargaining team. I just want to take a brief minute to thank you all for the opportunity you put before us. has been a part of public safety, this is the first contract, councilmember leffingwell said it well, a landmark for us. The ability to participate in what our wages and benefits are, the way things work around our organization is unprecedented for us and we thank you for the opportunity to participate in that. I'd also like to personally bargaining team. It was a lot of hard work on our part and also the city's bargaining team. There was a lot of education on both sides of the table. I think all of us walked away with a new respect for one another and for the jobs each of us holds. And I just want to thank you again and thank all the members of the the city bargaining team and the e.m.s. Bargaining team for all the hard work done on this contract.

Mayor Wynn: Agreed. Thank you. Our last potential speaker was mr. evans. Is mr. evans still here? Signed up wishing to give us testimony in favor of the contract. Council, that's all our citizen testimony. We have a motion and second approving the combined motion item 25 and 44 including both of the public safety personnel contracts. Further comment? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of 7-0. Thank you all very much. Congratulations. Council, that takes us to our noon general citizen communications. We have a full slate of 10 citizens signed up wishing to give us testimony. Is del womack here? The pride and joy of austin high school class of what, 1950? Something like that?

I beg your pardon. I couldn't hear you.

Mayor Wynn: What class of austin high school were you?

Well, we got the new turf over there which allows more children to play hopefully longer into the season so that's a good deal.

Mayor Wynn: It is.

And austin high is doing okay. Thanks for asking, mayor.

Mayor Wynn: Good to see you.

Mayor, not only a member of that class, but the star tailback of that class back when austin high maroons used to win the state championship about every other year.

Mayor Wynn: In fact, i think del was first team all state running back that year on the state championship team.

That is correct. I've never been able to find all those people that voted for me, but I do appreciate that honor.

Mayor Wynn: Well, you look well.

Thank you. I'm here today to speak a little bit about the golf courses in austin, mainly morris williams, and I want to thank you mayor and all the councilmembers and city manager all for visiting with us over the past few months on these items. And mary arnold is not here today so I'm going to try to say what she would like for me to say, but I'm really going to speak for all of the golfers. I'm here representing the austin golf advisory board and all of the austin golfers who play the municipal courses, over 250,000 rounds a year. And these are from little bitty young children to our seniors and retirees and including some of the fine students from the university of texas. So we are all inclusive. I want to talk to you about morris williams because you've got an item coming up later, and morris williams was built in '63, '64, and we haven't done any major work on that golf course since that time. And what we would like to recommend, I was there yesterday. We need to do some renovations over there. And the wastewater line, which we certainly understand the need for the wastewater line because of the mueller situation, which is going to be a big boon to, I think, austin on manor road there. But we need to do something with the golf course including the pro shop and the cart barn. I remember a child playing a game called london bridge is falling down. Well, the cart barn is about in that shape. It is just about to fall down. The golf course, pro shop and concession area and restrooms are in bad, bad, bad shape right now. The plumbing is inadequate. The air conditioning system, there are leaks in the roof. And since the line is coming in, and we certainly understand why it's coming in, we just think that the wastewater department is trying to offer as far as restitution for interference in play is inadequate. We feel that it's very strongly inadequate in that they are going to be utilizing space, and although it indicates on their plan that it will not be interfering with play and affect the tee boxes and greens, when they add five acres of land for equipment and all of those items, I don't know where they are going to put it. But the thing is that we need to improve it. [Buzzer sounding] I guess I'm about out of time, but I want you to know that the golfers would really appreciate you thinking about additional moneys when it is presented to you so we can get some work done because that's certainly inadequate. And I want to thank you very much for your continuing efforts to say muni with options that may be available to us, and the golfers and the citizens of austin appreciate that. Thank you for letting me share.

Mayor Wynn: Thank you del. Our next speaker is ailana larson. Ailana larson. Wish to go give testimony. As did rita gonzalez garza. Welcome, ma'am. You will have three minutes to be followed by bruce kline.

The prosecutor person is not here number of. Q. apparently not.

Rita gonzalez garza. I'm here representing lulac and I'm also a member of [inaudible]. I'm here to keep at the top of your agenda and the city manager's agenda diversity in staffing and contracting. As you know, the latino population in austin makes up 30% of the population for 2000 census and it's higher at this time. 8, asians 4.7 and whites 52.9. The two primary areas I want to discuss is diversity in the department heads and upper management, and if you'll see the power point presentation that's up, it indicates that hispanics only make up four out of 38 of the top positions or 10%. 7 Out of 38 are african-americans, which is 18%. 2 Out of 38 or 5% are asian. And 25 out of 38 are anglo. Our concern is not only with those top 38 positions but with other key management positions within the city. Also in the top

key management positions, only two out of the seven executive team members are hispanic. And six out of 45 executive management and department heads are hispanic. The other issue I'm here to discuss is diversity in contracting. One concern is that the city lets out a lot of contracts in a noncompetitive process. Last year in '07 and '08, \$314 million was let out that way. The city needs to evaluate and assess that practice and process and why that occurs. Is it poor planning on the part of staff or is it a way to go around the requirements to procure using m.b.e./w.b.e. Some other data on m.b.e. Hispanic data, the c.o.a. Goals for hispanic in construction is 9.7. In '07 you had 13.23. That one was met. 5 and the actual 2.23. For nonprofessional, the goal is 9.9 and the actual is 3.97. 5 goal and 5.12 was met. In '08, the goals are the same. Again, 10.19. Actually we went down in construction contracting. 01, that's above the goal. For nonprofessional, 3.12. That went down. 47, and that went down. Overall, the city is meeting their goals in construction, but not meeting them in commodity, northern professional and professional. I understand that the disparity and availability study has been recently completed and it's being forwarded to the city committee. [Buzzer sounding] I hope that you review the goals and consider setting them higher and consider setting other mechanisms in place to ensure that those goals are met and also look at diversity in key management positions. Our members look forward to meeting with the city council and city manager on these issues. Thank you.

Mayor Wynn: Thank you, ms. gonzalez. Gonzalez-garza. Our next speaker is bruce kline. To be followed by paul robbins. Welcome, mr. robbins. You will have three minutes to be followed by cynthia valdez.

Mayor, council, citizens of austin, I'm paul robbins, an environmental activist and consumer advocate, and I'm here to ask council to explain what has happened to citizens rights to votes. Is this slide ready? Never mind. Article 7, section 11 of the city charredder reads all revenue bonds issued by the city shall first be authorized by mortgage majority of qualified electors voting in an election held for such purpose with the exception of funding for the south texas nuclear project, this policy, this charter provision was followed until 1998. What has happened since then? Well, for several years there was no need for new bonds because there was a recession. After the recession, the council kept passing larger and larger exemptions for voter approval. You had a city management that did not regard voters highly. And you had a lot of new city councilmembers who had no idea this provision even existed. Council, I came here to ask you to explain your position on this issue to the public. There are about 10,000 people watching this meeting. There are several councilmembers that will shortly be running for re-election. I've kept my speech deliberately short to allow you time to explain your position. Can you please explain to voters why they should or should not be allowed to volt when this right is ensconced in the city charter. Councilmember leffingwell, do you want to take a stab at this?

Leffingwell: I have no comment.

You don't want to explain why voters should not have a right to vote?

Mayor Wynn: I'll just say my past experience is that most councilmembers certainly have maintained the policy of not answering direct questions during citizen communication. We give folks time to make their case and present ideas and at times I follow up, you know, sort of independently of that, but not from

the dias, but, of course, any councilmembers are able to respond.

I've never known councilmembers at a loss for words, mayor. Surely they can tell the voters what they think, pro or con. And I haven't had a chance to get to you yet. I was sort of hoping to talk to the councilmembers running for re-election. Councilmember leffingwell, do you want to take a stab at this?

Leffingwell: robbins, with all due respect, I don't think this is the proper venue for q and a, back and forth dialogue. The purpose of citizens communications is for you to come here and state your opinion, and you are very welcome to do that as far as I'm concerned, but if you want to establish a dialogue, i will be glad to set up a meeting with you and we can do that.

Given the mayor took a few seconds of my time, I've only got time for one other councilmember. councilmember McCracken, do you want to take a stab at this today?

McCracken: Paul, I have the same point as the mayor and councilmember leffingwell. This is not the proper forum to be [inaudible].

Perhaps we should set up a public hearing.

Mayor Wynn: Thank you, mr. robbins. Our next speaker is cynthia valadez. You too will have three minutes to be followed by edna iruegas.

Hi, good afternoon. For those new to city council congratulations and welcome to austin. I'm here representing mothers against discriminatory racism in education and society. Madras is here to remind us as austin takes pride in being a progressive, forward thinking community, its citizenry has yet to pass single-member districts. And you as our elected leaders have yet to get unanimously behind the only manner of government that we believe will provide for accountability and responsibility to residents of our capital city. Unfortunately this is what lies at the center of what the media and others very important trade or have made us believe that there is a black versus brownish in this community. Historicry we of the latino community have directed -- been directed to voice our concerns to the minority elected city council members, first, and then to others as necessary. This was understood by a gentlemen's agreement which is continuing to control how we deal with politics at the city council level. As such, when two top latino department heads were publicly fired by a new city manager, some in our community believed they should have addressed the -- they should address this as protocol had dictated in the past to the city councilmembers. Before going to the city council -- to the city manager. When a press conference was called to defend the demeanor of that city manager to the community behind a sign that stated united not divided, the message that we understood in our community was that there was some problem between us. And there is not. We believe that there is was an issue that was exacerbated and magnified and created by the press and we hope that you all understand that is from where we come. We ask that a clear delineation of protocols be established and communicated to residents so we can all understand how bet to identify, discuss and resolve our concerns so we may eliminate any future misunderstanding. We thank you and we hope that you will allow us to communicate with you to meet with you and express our concerns, especially regarding issues which

affect us all in our communities of people of color and that is diversity. And that is equity. And that is changing demographics that need to be reflected at what lies at the dias. I appreciate your time and thank you for your concern. -- Thank you for your concern.

Mayor Wynn: Thank you our next speaker is Edna Iruegas. Sorry if I mispronounced that. Edna Iruegas. To be followed by I'm told Ms. Larson is here. Come forward, please. You will have three minutes to be followed by Diana Cavity Naid today.

Thank you.

Hello, city. I'm nervous and I was late because I was crying out in the lobby and some nice lady [inaudible]. Thank you. You got these? I live at 85 Trinity and right next door is the Four Seasons and they are doing construction. And gosh, I wish I could make this coherent. So I'm not getting any sleep. Okay? On here it says that they start their noise -- there's a noise ordinance that's been extended, okay? So they are supposed to start 00 in the morning and go 00 and they just changed that according to officers Limon about a month and a half ago so they can go to 10:30 at night. They have a permit to pour to , which is kind of 22 1/2 hours a day. And so we're getting -- I live in a building of aged and disabled people. I have a heart condition. I've got mobility problems and pain issues. I've got arthritis, I've got people in my building with cancer. They go to dialysis. We've got people in hospice, heart surgery, back surgery, diabetes, brain injury and we're not getting any sleep. We're falling over. We're dropping things. We're leaving them on the store or for getting where we go. So that's that. I've got the pouring schedule here that they will be pouring UNTIL MAY 26th, 2009. And the building will be completed about February 2010. In the meanwhile, they are starting a tunnel project at the foot of our building this summer. And that's supposed to go on for two years so we've got the Four Seasons here, the tunnel project here and the Waller Creek project here starting. And we had a fragile population, that's a building for aged and disabled people right next door. So it looks to me -- I was reading your little laws the other day and it was talking about discrimination laws. And it talks about usability. I'm not a lawyer, I don't know, but we can't sleep in our house. We keep trying to leave so we cannot get banged and jackhammered and -- so we're having effects. And I wrote it down for you. Also I have a petition from -- I'm the vice president of our building and so I've got people who don't do anything because they are sick and they are signing that if you are sleep, health, safety or quality of life has been compromised by the noise or narrowing of the street, sign here. We're asking you for help. I've been in touch with everybody. I'd like to thank Barbara for lighting a fire under this, she said. We're having problems with the narrowing of the street. We've got people in wheelchairs who can't get past the handicapped access because there are bears, yes, sir and now they put up a fence so they are in the street. And because of the narrowing and the visibility problem, people turn the corner and there's a guy in a wheelchair in the middle of the street. There's safety issues. We can't turn the corner because of the visibility. I've almost got hit by a truck in front of the convention center trying to get on our narrow street and they couldn't. We had to back up and try to pull over here, but there's a barricade here. The girl driving is going oh, my god, we're going to die. I've had to get out and push the walk sign so that the cars could go across the street because they did something to the light so we can't get across. We've got people in wheelchairs, people with canes trying to cross the street. We don't have time. That's about it except here -- we've got people who are saying we're help less, we're hopeless. And down here I've been hearing speak truth to power a lot

this weekend. And one of the things it said was to the american people who are the final reservoir of power in this country and whose values and expectations sets the limits on those who exercise authority, and that lady out there was telling me that you are a good council. And that I could appeal to you. Because we're getting sick. We're going to the hospital. We're getting headaches. We're dropping things. I had to spend the night at somebody's house last night just so I could have enough wherewithal to come here and talk today. Because even if I made it through last night, like tonight they are not supposed to pour, they are going to 00 in the morning because they don't honor their time frames and they just got extended and I don't know what to do, but I came to talk to you about that.

Mayor Wynn: I'm glad you did, ms. larson. This is important for us to hear. I know I was part of the dialogue a month or two or three or four ago when we changed some of the rules on the downtown construction. The issue with the time was that although we had a current construction noise ordinance that essentially had folks having to work during the day, these highrises and as they go up each floor, about a floor a week, once they start pouring the concrete, they can't stop. From a construction technique standpoint. And so when it comes time to pour all the concrete for one floor of construction, it could easily be 25 concrete trucks. And once they start, they can't stop. So what was happening, of course, was understandably they would all line up and it was during the business day. Oftentimes they try to pour first thing in the morning so then the workers could have the rest of the day to work on that wet concrete to get it ready to cure. Well, we had these traffic disasters downtown with all the concrete trucks lining up during rush hour, particularly on a thoroughfare like cesar chavez and west fifth street where I live. So one of the compromises was if we got all the concrete trucks in and out of downtown just prior to the morning rush hour, everybody but perhaps residents could benefit from that. It's my experience a few blocks to the west that it worked reasonably well. There was noise and there was noise disruption and that kind of thing, but, you know, this is, you know, a special case. And that is a sensitive population, but it's also a very tight and constrained construction site. So I promise you I'll sit down with my staff and we'll come over and try to pull together a meeting of some -- you and/or some residents and the construction team or ownership, either the team or the hotel of the team that's constructing the tower and try to figure out what might be some compromises. And it very well may be we have to look at that ordinance and recognize that there might be site specific constraints that have us go back and revisit elements of that ordinance and whether it's hours of the day or the days of the week or not too many consecutive, you know, days or hours, then we'll try to find what that answer might be. But, you know, as we grow the population of residents downtown, if we don't have the right sort of format in place, this is going to be more and more of an issue and problem. So my staff and I will try to pull together together as soon as possible. It's troubling to hear -- you know, how disruptive you and your neighbors' lives have been.

Thank you for your compassion and understanding.

Mayor Wynn: Thank you for being here. I have another question. My neighbor is signed up to speak and she's in chemo this morning.

Mayor Wynn: I gave you her three minutes. parlin gave you her time.

Can I have a few more second?

Mayor Wynn: Yes.

They are closing the senior lunch program in our billing at the end of the week. We have 30 people who eat at that program. And they are trying to consolidate from 21 programs to 8. And some of the people are like four people or five people and so they can consolidate, but we've got a huge group of people who eat. Even my neighbor who has chemo right now, she can't go and be bused every day for three hours to eat at a different facility. We have a huge amount of people in our facility. I invite them to come to our place and don't close our lunch program. We have people who need that program and they are in wheelchairs and are sick and they don't have the strength. I know for me with those three hours, I have to go do my physical therapy or try to ride a bus or handicapped transit. We don't have three more hours a day to go on a bus when we could go downstairs and recover or go to our doctor's appointment. Lease look at that. Thank you.

Mayor Wynn: Thank you. Councilmember morrison.

Morrison: I also wanted to --

gray panthers say hi.

Morrison: I wanted to follow up with something that you mentioned and that is that construction beyond the concrete pour does not appear to be adhering to the hours that they are allowed to so I'm sure that there is exacerbates the problem. So I know that when -- I would like to have my staff involved, we've been talking with you already in the follow along conversation because it really is a critical issue that we find some kind of happy medium. I understand certainly the balance that was trying to be reached with the concrete pour ordinance, and ironically it was -- you know, it was referenced as being in the interest of the public health, safety and welfare for us to move forward, but we've got to balance the public's health, safety and welfare on the other side. I would like to remind you, everyone that I think that even if you don't start out with special needs or, you know, especially fragile situations health-wise, if you don't get sleep for three months at a time, you will be fragile after that. I think it would be great if we could find some sort of happy medium where it can't be every night and also to make sure that we're enforcing the rules that do exist to make sure that they are not being stretched. And then just finally, on the lunch program, I'd love to be able to see if we could have staff answer whether or not -- I thought that the capcog contracts might be picking up where the city contracts are leaving off. Maybe we could get some answers that either now or later and get back with you.

The other thing on the handout that I gave you I can talk to you later. Thank you.

Mayor Wynn: Thank you. I think our final speak signed up this morning is kenneth koym. Looks like a few folks -- then we'll hear from diana.

Today's issue is -- involve a complex set of cultural, social and economic questions which cannot be

dealt with effectively amidst the charade or media frenzy. I urge that calm arises, that the city council and the city manager's office work at this to do that. All persons must enter into a true dialogue by coming together and being -- and using the city's fullest intelligence. Not just what you have on your desk, but let the entire city speak out. Matters and issues involve the entire population. Once the new and the old can work through the issues involved, greater resolve will be possible. You say who is Kenneth Koym? I'm here in the role of dialogue makers. org, a 1977 nonprofit that I personally founded. I was out of town when the alleged question that calls for an apology came to issue. I can't speak to that and I will not fan the fire. Apparently there was, though, some -- some lack of preparation. And I say let's let bygones be bygones and move on from here. But we can never look at the cultural question of asking a Hispanic population to be silent. I've lived 13 years in Latin America. I mean, seven years in Mexico from '94 to 2000. From -- in Brooksville from 1963 to 1965, three years. And three years in Central America, principally Guatemala. The issues, when you ask the Spanish population to be silent, you have violated a basic cultural question. So let's -- let's open up this community and interact one with the other. It's time that we do that. As a psychotherapist who has spent -- who is retired as a military research scientist, I feel that this is a sensitive issue that can be worked through. [Buzzer sounding] and let's do it. Thank you.

Mayor Wynn: Thank you. Any questions of me? Questions, council? Thank you.

Mayor Wynn: Thank you, sir. And Diana Castaneda. You will have three minutes.

Before I start, may I ask for at least a fourth minute, please.

Mayor Wynn: Why don't you start and we'll somehow you are progressing. You will always have a chance.

I'm Diana Castaneda, the first person of color elected to the Austin School Board through single-member districts. This was in 1992. When I won my election in a -- I forget what you call it when you have to do another -- a runoff election. And before that I served on the Austin Human Rights Commission and I was appointed by Mayor Ron Mullen. I've served on the Mexican-American Cultural Center that preserved that site that the Macc was built on. I was the chairperson, the acting chairperson because Irm on had left to go work at Texas U.T. San Antonio. So I took over because I was vice chair. And we came to the council and reserved that site. At the same time, I was working very closely with Deborah Duncan, the chair of the Carver Museum. And we all worked together hand in hand to try to get both of our facilities built. My aunt was the first teacher in Austin ISD. Previously she came all the way with my grandfather in total and started schools from Laredo until he got to Austin. The home I live in right now is where he settled and taught the Mexicans because AISD would not allow them in the public system and neither were the Blacks. When I was about five, I realized that I wasn't sure what I was because there were two fountains, and I'm going to cry and I don't mean to, but it's a sad memory, because I did not know because I was so dark if I was a Negro or if I was a white person and which fountain I should drink out of. When my aunt wasn't looking, she would tell me to drink out of the white one, but I knew I was Black. So I drank out of the brown one. Since then my heart and my empathy has been with people who identified with and that's been the Black community. To the point that now my two friends are married to

black women and I have partial black and hispanic children, grandchildren, with another on the way. What upsets me about what happened was that I too see -- I see two sides of this whole issue. [Buzzer sounding] am I done? This whole issue with --

Mayor Wynn: Take a minute or so. ott, let me say something to you. And to nelson, and you know this well, that our community has worked very hard together for civil rights. I served on the first task force that set the ordinance in place. I have advocated for black children along with my black counter members on the school board. And to be made our people -- and I don't mean gus because i don't care about gus in the same way. But what I care about is the cold chill pall that has fallen on my community. Because if I hurt you, I get it. If the rest of the community is angry with us or with me specifically. But when all those other people that came before y'all to talk legitimately about some concerns when they were hurt and then they simply reported to the council who had called you and perhaps asked you and maybe overgoverned you and possibly also had pushed you into that direction of having to move your meeting closer with them, that you always have authority to do, that it becomes a governance issue, and maybe that's not your style on to have your superiors come and pull your buttons. I think dialogue needs to happen with all of you from the perspective I was on the school board and we had superintendents that we could not go over and say I want to you meet with this person or why is this taking so long. That's my vantage point. I had to preface everything that I said before because i want you to understand I'm not mad at you, I'm mad at how these people were treated in this building. Because it is as cynthia said, it cast a pall on the community. The banner also cast blame. And I really am going to request that each of you -- I'm with unidos and with the national organization of women of which we have more than 300 voting members. That's not the actual point, but the point is that i represent a lot of people, and on their behalf I'm here to speak to you and request that more discussion happen between our community that has nothing to do with racism but has to do with us working together to benefit the other minority communities. And I want to thank you for your time. And I want to thank you for your effort. Because many of you have been very supportive of my work. But I also want to -- I want to wish that you would take into consideration in the spirit of community to meet with us. Because it's no longer about the 11, it's about us. It's about the rest of us and how we feel comfortable in this building that is our home also. Thank you very much and I'm sorry if I've made any of you uncomfortable but the message is we need clarification, discussion, and that's the bottom line here. Thank you very much.

Mayor Wynn: Thank you. Is bruce kline here? Did he ever show up? Thank you all. That concludes our general citizens communication which takes us back to item 93, our morning briefing on the rf request for a new comprehensive plan. Welcome a staff presentation.

Mayor and members of city council, good afternoon. I'm garner stole, assistant directed of neighborhood planning and zoning. Thank you very much for giving us an opportunity to brief you on this important project. On behalf of the staff team that has been working on this project, I wanted to tell you that we're excited about it. It's a rare professional opportunity as well as a daunting challenge. But in a good way. This afternoon -- can you hear me? Yeah, okay.

I think maybe if we could just ask everybody if you could take your conversations outside because it's

hard for us up on the dias to hear.

I thought maybe I had a technical problem with the mayor hearing me. The presentation we have this afternoon is very much an overview of the scope of services that is proposed to go with a request for qualification to of I'm going to go through this presentation quickly. Please interrupt me if you have questions for need additional information. First I've got to talk about austin's consultant selection process. The project overview, the project's goals, the plan's anticipated components, the expertise that is required, the anticipated tasks and the anticipated deliverables. I think most of you are familiar with austin's consultant selection process. We are proposing to use the standard process that is used for selection of architects and engineers, yet the first step is to request qualifications. Consultant teams then prepare and submit responses. It's a very structured process. A panel uses approved evaluation criteria including interview. A panel makes a recommendation for award of the contract. And then city council awards the contract. Staff neosho non-smoking the fee. The contract is executed and the notice is given to proceed. We are at the very beginning. We are preparing to issue the scope of service with the request for qualifications. The project overview quite simply is is the scope of services is soliciting a consultant team that prepares big city comprehensive plans to assist the substantial expert sees available in neighborhood planning and zoning and the rest of the city of austin. This process -- the budget will not allow the entire process or the project to be acquired through consultant services. The majority of the work will actually be done by city staff. We are -- the copy of service proposes a two-year time line. This is based on both our experience regarding the window, planning window that is available for the public to actively engage in a project such as this. And the phenomena that planners sometimes call planning fatigue, that happens. Also sometimes projects become more polarized if they go on too long. So the proposal is to try to do it within two years. And that would be from the date of the project -- the public project kickoff, which would happen sometime next year. The project proposes active engagement with community stakeholders, planning commission, city council, staff, regional interagency working groups to develop the plan. And also very importantly the process has to be inclusive, transparent, and make timely decisions. Okay. So with that overview, what are our goals that are included in the request for proposals? First of all, the idea that it should provide a framework for shaping and managing growth. This is in the city charter as a requirement of a comprehensive plan. It has to be supported by current and accurate data. This is very important both in terms of credibility and shelf life of a plan. It incorporates best practice regarding urban design, transportation, environmental stewardship and sustainability. It addresses key issues facing austin and the citizen participation process would propose to engage as many people as possible to assist with identifying these key issues. It links growth and development policies to the capital improvement plan and bond programs, so it's not a shelf plan but is actually implemented. It clues other implementation measures and strategies. These frequently include intergovernmental agreements with other jurisdictions, agreements with nonprofits, private sector where there is an active pursuit of a specific strategy that is -- that requires implementation beyond the regulatory and the capital improvements process. It provides a framework for more detailed long-range plans. The neighborhood planning effort has been extensive and long going. The station air plans, austin has a notable record in completing detailed long-range plans. A comprehensive plan can provide a framework that hopefully will make that process go more smoothly. It tells a compelling and engaging story about austin's future. It really needs to be an accessible plan, well

illustrated, so it is referred to and used by austin's residents and decision makers. It also needs to recognize austin's history and what characteristics have shaped its unique identity. This is very important. It's clear, simple, visually attractive and straightforward to use. I think one problem with plans in the past is that they didn't meet this threshold. Too many words, not enough illustration, too many areas for eyes to glaze over or just simply not clearly communicating the direction that the plan is recommending. It provides recommendation for review and update. The '85 charter requires once we're under a plan under the charter requirement that was passed in 1985, requires an update every five years. Many communities are going to annual review in addition to that. It focuses on the physical and economic aspects of the city as well as social issues such as human services and public safety. [One moment, please, for change in captioners] city-wide street canopy. And it is -- austin is about half of the region's population sits in the middle of the region. It's absolutely essential that the process integrate the regional planning efforts that are ongoing and have been completed such as the envision central texas. That is the context for the plan. The plan's components will basically be in two parts. First a vision and policy framework plan. If you remember, austin tomorrow, chapter 2, sets out goals and policies and objectives. Division policy framework plan would be the equivalent of that. But hopefully more illustrations and less words. And the second components of the plan would be the required 10 city charter elements and I'll go through those quickly. Future land use element. These are in the charter, they are required. Traffic circulation and transit element. Wastewater, solid waste, drainage and potable water element. Conservation and environmental resources element. Recreation and open space element. Housing element. Public services and facilities element that includes but not be limited to a capital improvements program. Public buildings and related facilities element. Economic element for commercial and industrial development and redevelopment. Health and human services. So -- so with -- with that background, with those goals, what are we looking for? Number one, we are looking for somebody that -- that has skills and expertise and public participation, false station and visioning. Land use planning, transportation planning and engineering, land development regulations and including current best practices such as form based codes. Civil engineering. Urban design. Solid waste management. All these are necessary skills with the consultant team. Health and human services planning. Housing policy, regional planning. Arts and cultural planning. Parks and recreation. Economic development. Capital improvement planning and coordination. Very quickly, anticipated tasks. The scope of services actually goes through the -- through these in some detail. Trying to figure out what should be done with the city staff, what we should be looking for in terms of complimenting city staff. I'm going to do an overview with a few exceptions, task one is develop public participation plan. It is so important that -- that the scope of services proposes -- to actually have a teamwork with staff to develop a plan after the team is on board. That would include such mechanisms as opinion surveys, the product identification branding, look and feel of the project, city wide issue identification workshops, city wide charettes, educational workshops, presentation and many, many other organizations. Strengths, weaknesses, opportunities, analysis, newsletter, interactive projects, website. We have a number of big city conference plans ongoing right now and they are using -- they are finding creative ways to -- to provide interactive web access. And we certainly want to take a look at that. The other item that needs to occur before the public kickoff -- kickoff would be to additional public start-up activities. The work plan needs to be defined after the consultant team is on board. Review, background, stakeholder interviews where -- where key stakeholders are identified and actually interviewed either as focus groups or one on

one. City council and planning commission meetings that could be joint or separate. And participate in the public kickoff meeting, of course. Task 3, review data analysis of the existing conditions. The existing -- we are working on this component, this will be done by the staff. It's an energy departmental team, we are putting together the critical information that is needed that consultants task will be to review the data -- community inventory that we're working on right now. Task four, development capacity, trends, demand analysis and growth scenario testing. This is part of an effort, different consultants use different techniques. We use general words because we don't want them to reinvent their wheel after they are selected. The task 5 is then the draft of the vision and policy framework component. And task 6 is development of the draft plan elements. 7 Refinement of plan elements and then 8 plan adoption. So in a nutshell that is the summary of the tasks. The deliverables would be a public participation plan, final work plan and revised schedule of planning process. [Reading graphic] [reading graphic] so as you can see, it's complicated project. There are a lot of wheels. Within wheels. At the same time in development of a comprehensive plan. It really requires communication between all the players. Between council, staff, planning commission staff, community and the staff and consultants and -- but it can have a significant impact in terms of putting together a document that will both show where austin wants to go and the steps that are needed to get there. .. I would be happy to answer any questions.

Mayor Wynn: Great, thank you. Questions? Council? Councilmember cole then morrison.

Cole: You had looked at some other cities, I think that you said chicago and maybe dallas? Because -- because back when you were discussing the legacy portion of the -- of the proposal, I was just really curious, especially with the chicago, you mentioned the lake front, do you -- did you know any specific items that they had in their comprehensive plan having to do with -- with their legacy parks like millennium park?

Actually, I was -- referring to distant history. That plan was done by daniel burnham in the 20th century, really started the public private effort to retain the lake front as a public amenity. I simply chose it to show that comprehensive plans are frequently used to identify Task 3, review data analysis of the existing conditions. The existing -- we are working on this component, this will be done by the staff. It's an energy departmental team, we are putting together the critical information that is needed that consultants task will be to review the data -- community inventory that we're working on right now. Task four, development capacity, trends, demand analysis and growth scenario testing. This is part of an effort, different consultants use different techniques. We use general words because we don't want them to reinvent their wheel after they are selected. The task 5 is then the draft of the vision and policy framework component. And task 6 is development of the draft plan elements. 7 Refinement of plan elements and then 8 plan adoption. So in a nutshell that is the summary of the tasks. The deliverables would be a public participation plan, final work plan and revised schedule of planning process. [Reading graphic] [reading graphic] so as you can see, it's complicated project. There are a lot of wheels. Within wheels. At the same time in development of a comprehensive plan. It really requires communication between all the players. Between council, staff, planning commission staff, community and the staff and consultants and -- but it can have a significant impact in terms of putting together a document that will both show where austin wants to go and the steps that are needed to get there. .. I would be happy to

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Cole: Well, I would like to suggest that with all of our parks we have a funding deficiency and especially with our parks downtown that are designed to be used for everybody and that we need to think about in a comprehensive plan and as we go through the stakeholder process of identifying areas such as the waller creek development that will need public/private participation and that that is included in the project.

Yes, parks and recreation is a charter required element. So --

Cole: Then I wanted to move to another area. Frequently we have to -- to deal with issues that have to do with where we locate certain items like landfills. Ultimately undesirable land uses I think is the term that's used in some of the national literature and i don't know if through the stakeholder process or the council input process if you are going to look at any of -- of that data about how we should analyze that for the comprehensive plan.

Frequently an issue with comprehensive planning with -- with allocation, growth allocation modeling where first of all it's an issue in terms of policy. What's the city's policy? Are we asking all areas of the city to take their fair share of locally unwanted land uses? Or that is frequently the policy that the rubber meets the road, so to speak, with regard to that, through the implementation. But, yes, that certainly could be put on the table and explored as a policy option. As well as looking at some -- some strategies for how austin can approach that. There are -- there are actually mathematical methods now where point systems are developed. Not necessarily saying those are easy to administer, but we can certainly look at them.

I think that would be good to be included as part of our comprehensive plan. The overall purpose would be not only that we actually accomplish that result, but that we educate the public about the basis for our decision. Like making a decision that we were going to grow the city, this is our development zone, what is available throughout the system for certain items so that we have a plan to point to -- actually

information with the basis.

Right.

Cole: Thank you.

Mayor Wynn: Councilmember morrison?

First I want to thank you on your great work. I know you bring a whole lot to the city. I appreciate that. I want to follow up on councilmember cole issue's of looking at the issues of how we site and place challenging land uses. I would just like to second the idea that that does belong, when we're talking about a comprehensive plan, because, you know, we're looking at all of the different elements and solid waste services and all of that so it makes sense to look at it from a top level view so we can do an allocation. I have a couple of questions for you. One, I think, one of the challenges I see is that we do a lot of land use planning. And this -- and then other planning or at least that's what a lot of the public conversation is about. And this is really a challenge because we're trying to merge together planning for all different components of life in a city, really. That's why there are 10 elements listed out in the charter. And so we have our planning commission but they are a land use plan, land use commission, so I wanted to ask you how do we -- how can we make sure, so I know that they are somewhat of a focus in this. They have a comprehensive plan subcommittee I know. Although I don't think it really does address all 10 of the issues that we're going to be addressing here. But he just want -- but i just wanted your thoughts on how we could maybe make sure that we keep a broad enough perspective when we do the planning that housing issues in the park and where are -- where our landfills are going to go really need to be at the same level of land use issues. How do we avoid going down the road and getting a narrow focus.

The whole idea of a comprehensive plan is to create cohesion and put the tradeoffs on the table and then make policy decisions and decisions regarding the direction of the future of the city. In order to do that, all of the stakeholder need to be involved. The planning commission actually did some brainstorming about that. Specifically how can we use -- how can we integrate all of the advisory committees that would have -- would need to be involved with the breadth of the charter element and meet a two year time line. There are a number of preliminary ideas about how that could be done, but it still needs some work. It is going to require joint workshops, joint focus groups among the advisory groups. That doesn't mean they can't break out and deal with their item individually. But we can't go linear with the number of advisory groups that austin has and make that time line. another thing that occurred to me, we have a lot of formal commissions that address many of the issues we're going to be looking at the resource management commission, park board, et cetera. Seems like they might be a terrific resource for us also.

Yes.

And then just one other question. I had to the opportunity to read the auditor's report from may of 2006 about comprehensive planning in the city was urging us to move forward, we are that's great. One of the

things that came out of their recommendation was to include I guess this is done in other parts of the country, to include fiscal impact analyses of various growth scenarios. Is that going to be part of what we'll be looking at?

It is part of the -- of the growth allocation demand analysis. We at this point do not have as part of the scope of services to set up fiscal impact model. My experience with fiscal impact models is they are very good for levels below a comprehensive plan. For instance, if you are contemplating annexing a certain area, having a method to predict the fiscal impact is quite easy and needed. But if you -- if you try to apply the model at the comprehensive level, it gets a lot more complicated. Although indirectly fiscal impact is certainly part of the scenario testing where you assume a certain growth level and you test alternatives in terms of the fiscal as well as any other impacts, transportation impacts, that that scenario would generate. It's certainly something we could add to the discussions with the teams. But right now it does not call to set up a fiscal impact model. I haven't read the report for a while, because I know that that was something that had shown up in the various different city plans that have been looked at, I think it would be interesting to look at that. Sometimes I'm afraid that -- that we go out and say what do you want, pick anything that you want, then we go and look at the cost and say ouch it's going to cost a lot. Seems like if we could have some kind of level, i understand it can't be that deep, detailed of a level, some type of level so that when we are looking at the various scenarios we'll understand what the impact is. I also frankly have to believe that the fiscal impact has to be incorporated into the -- what the scenario would actually be. Because if we want to make sure -- if one of our goals happens to be to maintain a diverse community in austin, economically diverse, then if our taxes are going to go sky high nobody can live here, so there's sorts of a, you know, a circular thing there. So I would be interested in looking a little bit more into finding an appropriate level.

It's absolutely part of the scenario testing the fiscal impact. I was talking about formal fiscal impact model which you calibrate and you get it up.

Thank you very much.

Further questions, comments?

Mayor? I think the initiative that we have seen emerge several times is that our roadway planning is out of debt with -- in terms of their local roads, what their community vision is. We have, for instance, we still have a [indiscernible] official position at campo, we want left arm to be eight lanes wide which would require cutting out buses, cutting into rock, which actually we are trying to promote more pedestrian oriented development up to the sidewalk. I think an important element of what we see come out of the comprehensive plan needs to be to sync up our roadway designations with what our community vision is. I think that thing is really in need of a good refresher. It's great that you are doing a comprehensive plan so we can do that needed update. In a related issue, we will see the -- evening with the zoning cases, it's our sidewalk situation in the city which the city manager, assistant city manager good, I really appreciate taking this on. You're going to see a zoning case this evening where we have a road that's really wide and then you have a -- you have sidewalks on each side of the road which are two to three feet wide, if not in existence at all. Parts of those two to three foot wide sidewalks we place utility boxes,

we have placed telephone and electric poles so that all of the sidewalk serves is to be the -- submit anchor for utilities. I have seen -- I used to live across the street along that sidewalk. My three-year-old son and I would have to walk single file across racing traffic. 38 Street young parents directly across the street from seton are carrying their infant on the 38th street right across from seton no sidewalk. That's - - we have major roads in this city where we have no sidewalks. At all. They are a hazard. We also have another sidewalks that are so far beyond the pale of being where we need to be. We're taking that on. But what I expect will have to happen is, the example for tonight. Hart lane will need to be narrowed somewhat because there's rock cliffs on each side of the road. We have unusable sidewalks on hart lane, a very wide road. No ability to bring the sidewalks in because they are into cliffs. We're going to need to look at areas where we may need to narrow roads, you know, local roads, we're not talking narrowing lamar or narrowing congress. We're talking about narrowing roads like hart lane, which is a two lane road, the lanes are each about 18 feet wide. So we can make sidewalks. I think we need to really look at that whole combination of our sidewalk network, not just getting the sidewalks, but also looking at the areas where the topographic positions, the traffic levels make it impossible to actually create the sidewalks where you have to narrow the road. The area from an urban planning standpoint probably the greatest deficiency in our city is the sidewalk network. Then I would like to see us identifying future rail and mass transit corridors. We are engaging in rail planning and bus rapid transit planning in this city on some initial lines, but we -- obviously it's the comprehensive plan looks into the future, we need to be identifying where our density patterns of -- make it -- forward thinking to have planning for rail corridors, right-of-way preservations, things like that. The final thing that I would preach on this is just how important it is that these plans be implementable. I know that a comprehensive plan is not an implementation document. But there has to be some -- needs to be some practicality in it and the way I liken this, you say it's my vision to have a masarati for a car, you go without a car for 10 years because you couldn't afford to buy a car of your vision when you would have been better off driving a chevy. We need to have vision synced up with achievability and implementability. I really hope that we do see come out of the comprehensive plan something that's actually can be achieved. That will be the real test of it. I really appreciate the effort and I'm excited for us and for you.

Thank you.

Mayor Wynn: Further comments, questions? Thank you all very much. So, council, that concludes our morning briefing item no. 93. Well past our lunch hour. Without objection, we will now go into closed section 071 of the open meetings act to potentially take up agenda item 94 and legal issues regarding site development regs for austin community college item 96, legal issues regarding city elections, campaign finance, et cetera. 97, legal issues regarding the stop of domain subsidies proposed charter amendment. Item 98 legal issues regarding -- related to the death of solid waste services employees jonathan giden. 99 legal issues regarding a franchise ordinance for solid waste haulers. We may also take up pursuant 072 of the open meetings act real estate matters posted under 95 regarding the property known generally as the lions municipal golf course in the area located there at lake austin boulevard. We are now in closed session. I anticipate this closed session lasting for a couple of hours and -- and us not coming back into open session likely until just 00 zoning cases. That should allow us to take up our brief afternoon briefing, very brief ahfc board meeting. Then we will go into the 00 p.m.

We are now in closed session, thank you

Mayor Wynn: We are out of closed session. In executive session we took up items 96, 97 and 98. gentry, we will not take up item 94 related to land development regulations for austin community college and we have still yet to take up item 99, legal issues regarding solid waste franchise ordinance. We also took up item 95, real estate matters related to the lions municipal golf course. While staff prepares for the two action items related to executive session, that would be item 34 and the number from council regarding campaign finance, at this time we'll take up our afternoon briefing, which is a brief staff presentation on our historic preservation program, steve sodowsky. mayor and councilmembers. It was a great pleasure for me to be here today to present you with an overview of our historic preservation program. Our preservation program started in 1974 with the creation of the historic landmark commission, and over the years we've had a continually developing program addressing new needs as they arise, addressing new philosophies in preservation and hopefully keeping ahead of the leading edge. What our program consists of are several different types of activities. First is historic zoning cases. Second are certificates of appropriateness, and these are for changes to the exterior or the site of designated landmarks or contributing properties within local historic districts. Certi appropriateness are -- are a type of application that the landmark commission hears and they have authority to approve or deny a certificate of appropriateness. Next we administer 14 national historic districts and one local historic district. And in our, of course, districts, the historic landmark commission hears applications for building permits, demolition permits and relocation permits. In the national register districts, the building permits are advisory. The applicants come forward with plans for new construction in the historic districts. The -- they work with staff and also the landmark commission gives them recommendation as to how to make their projects more compatible with the historic character of the district. In a local historic district, there will be design standards that the landmark commission will administer and projects coming forward with -- for building permits in local historic districts, the landmark commission will approve or deny based on those design standards that are adopted in the district. Local historic districts are coming out of the neighborhoods. This is the tool that the city supplied to neighborhoods to help protect neighborhood character. National register historic districts go will you the texas historical commission, and we administer the local aspects of that. Then we administer all the -- we review all the demolition and relocation permits within the city and this is a huge number of permits. We review every single application for demolition or relocation in the historic districts, and then every other demolition permit for even a partial demolition if the structure is over 50 years of age. We conduct annual inspections and provide property owner support of our historic landmarks. This is to make sure that the landmarks are being kept up according to minimum standards provided in the code. And also to help property owners maintain their landmarks. The annual inspections are done every year by our office and we submit that information to the landmark commission so when the property owner submits an application for the property tax exemption, the landmark commission has the assurance that there is property is being maintained. We provide a number of workshops and neighborhood support meetings throughout the year. We do surveys and research and have commissioned several surveys. A lot of our research is based out of applications for demolition and relocation that we get. And we research those properties in order to make a recommendation to the historic landmark commission as to whether the property would be a good candidate for landmark designation or whether they rerelease the permit. In the course of

doing that, we try to get as much information about the neighborhood together as well so we in conjunction with the neighborhoods who are working on applications for local historic districts, together we are developing a rather large database of historical information about the historic parts of the city. We provide support to various commissions and to the city council. We are working on preservation planning, updating our 1981 city historic preservation plan, and then we have worked to implement the task force that you all appointed in 2004 and 2006. Their recommendations toward historic preservation and the streamlining and effectiveness of our program. Let's look at historic zoning first. This is really the most important thing, in my mind, that our office does and that the landmark commission does. Here's a table that shows you that over the last six -- and these are calendar years -- how many historic zoning cases we have administered. 2003, We had 25. The number has grown steadily. 2008 Our figures are not complete. They are complete as of this month. We also show you how many of those are owner supported and how many are initiated by the historic landmark commission. I do want to tell you all that when the landmark commission initiates a case, this is generally coming off a demolition or relocation application. And the case may die at the landmark commission, but they initiate the case in order to get as much information as they possibly can about the history of that particular property and in order for them to make an informed decision. The criteria for designating an historic landmark are set out in the land development code, and I've summarized it here for you. In general the building has to be at least 50 years old. It has to maintain its historic appearance and have significance in two areas, architecture, historical association, archeology, community value or landscape feature. And generally the two that we see the most are architecture and historical associations. Here are a couple of views of some landmarks that we've designated the past couple of years, from houses to bungalows, the norwood tower, the bone house in the lower right-hand corner. What's known as the alamo house on washington square. These are all really designated landmarks. They have a lot of historical associations as well, but their architecture is really the thing that brings them forward. They are usually unique examples of an architectural style in austin. The second criteria is for historic association. And here we have photographs of the victory grill, the sweet home baptist church and mckinney's mill. And these buildings are important because of their historical associations with the city and the city's history, whether to the general public, to a specific community within the city or just the development of austin as a city itself. Here's some more, the continental club, carver library, peas mansion. Archeology, I don't have any slides, but we don't have too many notable for their archeology. We generally work with the texas historical commission when we have questions about archaeological sites and the state archeologist. Landscape features include the moon light tower, treaty oaks. These are things generally not buildings but are still very important to the history of the city and maintaining the historic character of austin. The benefits of designating a house as a landmark, first of all it is a recognition that the house or building or structure or the tree is an important historical site to the city. It provides educational benefits for not only our citizens but folks coming to visit. My office is also working on the development of additional walking tours. We've done a couple in con jennings with the heritage society for their home stores over the years, provided a walking tour for houses in the neighborhoods of the homes tours so people walking around will get a better sense of the context for the homes tours. This also comes down to heritage tourism. We have so many tourists coming to austin that they may not even recognize they are in on historic district on sixth street but they do recognize the buildings and it helps bring them back. We have a number of hotels that are capitalizing on their historic status to bring tourists into the city and

have them stay here. And then the property tax exemption for preservation is something the city, the county, acc and aisd provide for landmarks that are kept up that have not had any illegal activity on the premises. Certificates of appropriateness apply to landmarks and contributing properties within local historic districts, and these address site additions, site changes and restorations. We try and encourage restoration whenever we can and the historic landmark commission applied the secretary of interior standards for rehabilitation. I passed those out so you can take a look at the standards that our landmark commission uses in deciding whether or not to grant a certificate of appropriateness. Here's a graph showing the number of certificates of appropriateness over the year that we have administered, and this is in relation to national registered district permits. So as you can see, the number stays relatively the same. We now have 484 historic landmarks in austin, and again, our 2008 figures are projections. To the end of the year. But our numbers have stayed relatively within the same ballpark. The philosophy behind the certificates of appropriateness, standards for review that the landmark commission administers, is to retain the historic fabric. Remember, these are designed for historic landmarks so remaining as much historic fabrics on our landmarks is paramount in importance. The philosophy is to repair rather than to replace, to maintain the historic appearance and integrity, and that additions should not compromise the historic character of the building or the site. We have 14 national registered historic districts in austin with over 2,000 properties in them. We have one local historic district right now, but we have several more coming down the pipeline in the very near future and hopefully by the end of this year we'll have those before you. Our historic districts range from zilker mark, camp mabry, downtown historic districts on congress avenue and sixth street, the vermand block, willow spence, our downtown residential district, then hyde park, old west austin and which are all primarily residential. These are applications submitted to the texas historical commission anglo through the secretary of interior for approval. Then when they are approved they come back to us and any permits within these districts are reviewed by my office and the historic landmark commission. In the historic districts we review building permits, demolition permits and relocation permits, and this is every permit except those that are allow backhoed for our office administratively to approve. This is hyde park. In the bottom ride an addition to a house in hyde park n the center is a garage apartment in hyde park. And then bottom left is a relocation. So these are all types of permits that we research the history of these houses for demolition or relocation permits, see if they are good candidates for landmark destination and make our recommendations to the landmark commission as to what we feel the information provides for them. Here is a graph showing our -- the number and type of national registered district permits. As you can see, the number has skyrocketed over the years and that is basically due to the establishment of old west austin and west line. That the vast majority of building permits are coming out of those two, national register district and those went in effect in 2006. You can see the number has really gone up. We also review sign permits for properties on sixth street and congress avenue. Under demolition and relocation permits, we review every single application for a total demolition or relocation presented to the city and this is regardless of the age of the structure. We review every application for a partial demolition or relocation within historic districts. We review applications for partial demolitions of structures over 50 years old. We research the historical significance on almost every application that we get. And then we either administratively approve those applications if there is no potential for landmark designation or if there is we refer to case to the historic landmark commission for their review. Here's the number of demolition and relocation permits that we have reviewed over the past six calendar years

and the vast number are approved by staff. A lot of these demolition permits are car ports or nonhistoric addition to a house or the house is not in an historic district or there's no potential for landmark designation or it's a boat dock or garage. So the numbers are huge. We review well over 700 permits every year. Then you can see the comparison to the number of those that we refer to the commission. And this is, again, based upon the research that we do on the property or its location in an historic district. Those always go to the commission for review. Here's a graph showing how many of the demolition and relocation permits we get in general compared to the numbers coming out of the national registered historic districts. Again, you can see since 2006 the numbers have remained relatively stable for this, and to me that's very good news because what that means is that the folks who are buying property and living in our national registered historic districts are increasingly recognizing the importance of retaining the character of those districts. We're seeing fewer of those -- fewer of those applications over the years. For workshops and neighborhood support, we provide a lot of workshops in conjunction with the heritage society of austin, the austin history center association, and the neighborhood workshops. The vast majority of our neighborhood workshops lately have dealt with local historic districts and what it takes to get a nomination together. I've met with folks from hyde park, east cesar chavez, travis heights, fairview park and in fact councilmember morrison and I were at a fundraiser on sunday for travis heights and fairview park. This is all to help get information together to identify things that folks in the neighborhoods can do themselves to get these local historic district nominations together. For the heritage society of austin we've done a number of workshops, again on local historic districts. And then for the austin history center association we've done a number of workshops over the years on researching your house and using the austin history center. On the dias, I think I put them in front of the mayor, but there's a couple of copies of a pamphlet we put out, researching your house in austin, texas, and basically it goes through the process we use to research the house, and tips and guides for the public to go ahead and do and research their own houses. We find that when people get really involved in researching the history of their house and their neighborhood, it tends to build neighborhood pride and community pride and there's less of a chance of housing falling into dereliction. There's more of a community feeling within the neighborhood so we want to encourage that as much as we can. This pamphlet is available at the austin history center and it's also available online on the city's website. Surveys and research. We have a comprehensive survey that was done in 1984. It is basically an inventory and it really needs to be updated. That's something that we have been working on over the years to identify those areas of town with the highest impact for development pressures to get those areas surveyed so that we know what properties have historical significance and we want to get that information out on the city's website so that folks coming into austin not really knowing anything about it but liking a neighborhood, want to go buy a house in a neighborhood but it's too small and they want to tear it down, we want to provide them with the information that this is an historicly significant house or it has a potential for landmark designation or it could be included in the historic district. If you are thinking about something to tear down, please think again or consider another house if that's what your plan is. Our neighborhood surveys have taken place. We've commissioned a number of them over the years, mostly on the east side, but with the development of local historic districts, those districts require surveys. So we will have that information available to the public and to our office. Again, our research efforts to try to identify potential landmarks and then website development is something we're working on very diligently to try to get this information

out to as broad a spectrum of the public as we possibly can. This will help not only property owners, property buyers and neighborhood groups, but also city departments as we're trying to develop green building standards and higher standards for ecological and environmentally friendly building. This is a way to identify those properties which have historical significance and also try to work with other city departments on how to preserve historically significant properties while addressing green building concerns as well. Try to incorporate those two together. We support many commissions, the primary one being the historic landmark commission, but also our cases then go from the landmark commission to the planning commission or zoning and platting and finally to council. We also support the downtown commission, building and standards commission and rdcc. For the downtown commission we're currently looking at the warehouse district and identifying historic buildings within the warehouse district. For the building and standards commission, when we have a house that is substandard and they want to issue an order for demolition, they provide that information to us. We research the property to make sure that they are not going to take action on a house that has historical significance and we try to [inaudible] houses. The residential design and compatibility commission, when a case goes through the landmark commission, we provide that information to rdcc when they are making their determination. Finally to council when we have historic zoning cases come forward, we provide you hopefully with the information that you need. Our preservation planning efforts are ongoing. We have ongoing survey and research efforts. We are working with the university of texas to finish up an updated preservation plan and we're also looking at developing new incentives for preservation and rehabilitation. This is especially true in areas that are subject to the mu zoning. We want to try to encourage the identification of historically significant buildings and preservation and rehabilitation of those buildings. We also want to try to encourage adaptive reviews of buildings that may not qualify as a landmark but form an important part of the streetscape. If we can do things through developing incentives or building on top of an older building, that's the type of things we would like to encourage. Task force was appointed by council in 2004 and reconvened in 2006. And a very brief summary of what they do, they establish -- or what they did, they established, recommended the establishment of local historic districts. And we've been working to -- with neighborhood groups to get more of these going together. [One moment, please, for change in captioners]

that concludes my presentation. If you have any questions, there are three staff members. Yes. If you can stand up, this is our administration assistant. I think you all know her. She has worked for the city for 20-some-odd years. If you have any questions or anything that we can do to help encourage rehabilitation of historic buildings in austin, that is what we're here for. Thank you.

Thank you. Questions for staff, council? Comments? Council member morrison. i want to thank you for that. There is a lot going on in the community as far as presser indication. I think that one of the things people look for is an even broader, for instance, like you said, our survey is from 1984 and we had citizens that had come and expressed concern about wanting to build on what we have and want to do more. I think one of the reasons we run into trouble someone of our resources. I would like to point out that worth, which is about the same size astin, I guess, has three times the resources as i understand it so I think it would be really great for all of us to work together to look for other sources of funding. There are grants that are available. We can look at fees and other ways of really trying to come together and answer some of the issues that the citizens had broadcast a month ago or so to try to become even

more proactive, less defensive. A lot of the time, a lot of our historic work tends to be in reaction to something that might be about to happen. So I'm hoping that we can put together, work with you and the community and all, to put together a broader historic preservation plan and build on what we have. So thank you.

Mayor wynn: further comments? Council member leffingwell.

Council member leffingwell: Last meeting about a month ago there were a number of recommendations made here, a presentation from the folks from the heritage society and elsewhere. Have you had a chance to look at that list of recommendations and respond to it?

I don't have it here with me right now. I have a few of them.

We have looked at the list, council member, and I was hoping this presentation today would address some of those.

Well, for example, I think we alluded to the fact that we have a defensive posture on historic zoning. There is no going out and trying to determine if a structure is historic, basically, until somebody wants to tear it down. And I guess go what I would be looking for is some kind of recommendation how we can develop a proactive program for historic zone, not only because it would be better, but because it would prevent a lot of really difficult disputes here in this body and in others. And the other thing, I want to try to relate the historic program, historic buildings, through the green building program. I've seen a statistic and I'm not sure if I can really explain it fully to you that on average, a historic structure that is torn down and replaced with a new structure, takes 25 years to catch up on the amount of energy, the amount of energy exchanged involved in the process. It takes 65 years to get back to the status quo. So I think what I'm saying is we've got to develop some kind of methodology of measuring the sustainability value of historic structures too. And council member morrison alluded to the disproportionality between the amount of effort and money, frankly, that we spend on historic preservation, pales in worth and a lot of other cities around the country. I think the question was also raised with regard to demolition permits. Twenty-five dollars, is that correct, for a demolition permit?

That is the review fee. The department is actually \$44.

And probably the lowest in the country. And by comparison, \$25 in austin in a structure of about the same size in nashville would cost you almost \$500. worth it would be three or four times as much. So I think we need to look at ... take a look at that fee structure, also. And I imagine you would probably be in favor of that, right?

I would be [laughter]

so there are a number of recommendations that were made by the society, the heritage society, and I think council member morrison and I are going to be working on a resolution to bring to the council to a

.. ask for specific guidance from staff on specific proposals in the very near future so thanks.

Mayor wynn: further comments? Questions of staff. If not, we appreciate the presentation.

Thank you.

Thank you. so, council, in executive session, although i had to step out of the room, you were discussing item number 96, legal issues regarding campaign finance. For lack of a better term. I believe there is a companion action item on the agenda, that being item from council number 79. So perhaps either a brief staff presentation or introduction by one of the sponsors.

Mayor, council members. City legal department. The item before you was first DISCUSSED ON AUGUST 28th. On that date, the council passed this ordinance on first and second reading and it was a proposal of improvements to the chapter 22 city code, and the task that you gave staff was please take a look at these improvements, the chapter as a whole, see what we can do to make the whole chapter be more effective. So in the weeks since then, we along outside council, have taken a look at the chapter. Jenny gilchris has improved the drafting of the overral chapter, we've made it more in line with the changes implemented in the charter in 1997 so there are no more conflicts between how the charter reads and how this code reads. The yellow back up document you have in front of you is staff's recommendation. We do propose one addition, which I would like to read into the record. We would like to propose the addition of one particular section to clarify the changes we've made to the independence expenditure guidelines, and this proposed section the way it would read, it would be 2257, title would be restrictions on expenditure by affiliated persons, and it would read: A person who is considered a candidate under section 2225-c, which is the section we changed in this third reading, shall not make an expenditure from funds that have not been lawfully accepted by a candidate or candidate's campaign committee. So staff's recommendation is the repeal and replace version of chapter 22 that is in yellow back up before you, with this particular amendment, and if you have any questions, I'm available along with jenny and jim.

Mayor wynn: thank you. Questions for staff, counsel i will have? -- Council?

Further comments? Council member leffingwell? do we have anybody signed up to speak or it is closed. correct, no speakers.

Council member leffingwell: I'm going to very briefly try to highlight some of the things that this proposal does. First of all, council member martinez, who is a primary sponsor of it, I'm could sponsor, and council member shade, I would like to see that added to the minutes. It was left off of the agenda but she was an original co-sponsor of this. Some of the highlights of what this ordinance does is it gives teeth to the entire section and it makes violation of this section and the charter class c misdemeanor, and it clarifies the definition of a candidate to limit independent expenditure to exclude persons who are associated with the campaign in the current cycle. And it brings contribution limits for so called s-pack, special purpose pack, involved in city elections for or against a candidate. Does not apply to issue packs, only to candidate elections in come forms and with the charter restriction -- conformance with the

charter restrictions. It limits personal contributions to their own campaigns it changes the prohibition on receiving contributions to include all city-owned building, where the old ordinance had city hall and west state street so that is a clean-up item. Unless that building is available for the general public for rent as a campaign venue. Another clean-up item that changes the ordinance to prohibit contributions until six months prior to elections. So nine months in the current ordinance, and that, of course, brings it in line with the city charter which classifies six months. And a final highlight, it requires the city clerk to make a candidate guide in applicable forms free of charge at least six months prior to a city election to all the candidates. So my motion is to repeal the existing section 2-2 of the city code and replace it on third reading with the attached section 2-2 with the addition that you just read into the record, which is the staff recommendation. And I would also ask for emergency passage of the ordinance and I will just read in the language here, because council finds that the importance of protecting the public from the exercise of undue influence in the election process for council offices constitutes an emergency. Because of this emergency, this ordinance takes effect immediately on its passage for the immediate preservation of public peace, health and safety. And that is my motion. Motion by council member Leffingwell. Seconded by council member Martinez to approve this slightly amended item number 79. Further comments further comments. Hearing none, all those in favor, please say aye. Opposed? Motion passes on an emergency passage with a vote of 6-0. Thank you all very much. And then, also, council in closed session earlier, you all took up item 97, legal issues to stop the charter amendment, because there was a posted action item, our law department, item number 34, I again would welcome a brief staff presentation. Mr. Smith.

Thank you. Item 34 deals with hiring of the law firm of Vin Sent and Elkins to initiate and pursue a certain kind of legal proceeding that is called a bond validation lawsuit. It is a lawsuit that specifically authorized by Texas state statute. And the reason I'm recommending that the city do this, as most everyone has heard, there's a proposed charter amendment that's up for a vote in the November 4th election. It's referred to as the "stop domain subsidized amendment". What it relates to is restricting the city's ability to offer financial incentives in certain situations. The Robert Miller Airport, master development agreement that deal with the redevelopment of Robert Miller Airport after it ceased being used as an airport, in conversations with our attorneys who drafted that agreement for the city, and in consultation with other outside council, there are issues raised about whether, if it passes, the stop domain subsidized amendment will apply to the Robert Miller agreement. And the reason for that is, there is specific language in the amendment, and I will read it, that says the restrictions on financial incentives shall apply to any pending agreement for the payment of a financial incentive. In certain situations. So the lawyers that gave the city advice on the Robert Miller agreement and drafted it went through that agreement and have identified a number of areas where the city is providing as part of that agreement, things that fit the definition of financial incentives in the stop domain subsidized proposed amendment, a number of things that fit the language. There's one particular one, something that has already occurred, in accordance with that agreement, the city has issued some bonds. Some people bought those bonds, and as you know, expect to be paid back. The city has pledged to repay those bonds out of sales taxes. This is a situation that the lawyer who have looked at it advise the us could or would be impacted by the stop domain subsidized agreement. Their advice is that the city should do what it can to keep from impairing people's confidence in the city's ability to repay those bonds. In other

words, where the stop domain subsidies proposed amendment says the city shall not pay financial incentives in this one narrow portion, the advice that we're being given is that the city should take steps in this form of the bond valuation lawsuit, to keep confidence high that the city will be able to repay those bonds. So it is my recommendation that council approve item 34 to hire Vincent and Elkins and give a 30-day period to provide that fairly narrow legal proceeding I've described, the lawsuit to seek to declare the validity of the bonds, the process for issuing those bonds, the pledge that has been made to repay those bonds. In other words, things related to the bonds and only in that limited sense. Well, so we have a handful of folks who earlier had signed up to give us testimony. I'm not sure if they were able to stick around or not. Unless there are additional questions from staff of council, why don't we take some citizen testimony and perhaps continue the dialogue. The first person that signed up wishing to give us testimony is Mr. Brian Rogers. Welcome back, Mr. Rogers. Some folks wanted to donate time to you, if you think you need it. Is James Rogers in the room?

There is no one there, they all left. That was this morning. Why don't you start your testimony and if you need more time or there are some questions we will help you continue a little bit because we know you have been patient in waiting all day.

Very good, thank you. The stop domain subsidies petition was valid since February 19 of this year, so we've had seven months for the city attorney to check out any .. any mitigating concerns. It has been seven months and here it is 40 days before the election, and we're just now getting down to it. I think that before the city gets Vincent and Elkins to look at these bonds, or initiate any bond validation suit, they should probably sit down with Catelus and remove the offending language that the city may see, not just grab the language as is. I think there are some modifications that would be made before the suit to make it more likely that the suit would win, so I would implore the city to make those changes so that once the suit was filed, that you would have a higher likelihood of winning. There is another option, the bonds are \$12 million, which sounds like a lot of money, but I think that there is, you know, probably \$4 million coming from the domain subsidies over the next year. Three million, plus a million dollars coming from Mueller itself, so another option in financial times nationally is to pay down our debts so I think that another option could be that the city set aside the money, grant it to the Mueller Local Development Corporation, and then let it be paid off that way and then the city could be paying itself back from the money saved from Mueller and from the domain. So there are plenty of other exemptions we feel are built into the charter. We want the city to mitigate any concerns, and that's really not what we're here to stay no against. We just want to make sure that it's done in a way that ensure that the city is not willingly making any decisions that would effect the outcome. So if that makes sense to you, that is really all I have to say are there any questions? Thank you, Mr. Rogers. I will just say? In response, I was on the dais in that summer of 2000 when we first approved Miller Master Plan. It was a big deal. Folks had been working on it technically for decades, really, the plan itself for about two, and I was excited to, you know, move forward with it in 2000. Only to be frustrated watching over the next three and a half, perhaps four full years of legal negotiations, millions and millions of dollars in legal fees to ultimately execute what is a staggeringly complicated set of legal transactions there on that property. It has turned out well, it is very well received, we're able to amend it modestly back in the spring of '03 to include a new Dell Children's Medical Center, but it is a staggeringly complicated sort of real estate/finance transaction. Roger, I will just say I was one of the first to simply ask what if we simply go in, I think there

is strong community support for what we're doing at mueller and amend that document, and then, you know, it didn't take much of a discussion to remind me and explain to me how many moving parts and how many different documents are all tied together. And so it, unfortunately, as i continue to be frustrated with, you know, just the legal intricacies of trying to do certain thing, I've been in the real estate business most of my career, it is frustrating at time, but this one is so complicated we essentially didn't have that opportunity. So I'm actually supportive of this item and it is that much more legal advice to make sure we're at least being told about the complicated nature of these many documents that ultimately tie together to allow for the multifascetted financing of what I think is a remarkably successful, very well-received, mixed use development at mueller. Mr. smith.

I would like to speak for roger's question about why are we waiting until now to do this lawsuit. There's two reasons. One is, there is a principal in the through before I can file a lawsuit there has to be an actual controversy, and with particular to charter amendments, the courts say until you know if it is going to pass or not, you don't have an actual controversy so if we had filed a lawsuit four months ago, almost 100% chance we would have been tossed out of court because the court would say you don't have an actual controversy. What if it doesn't pass. But with a bond validation lawsuit, there is another uniqueness. Under the statutes that authorizes us to bring the light, it is on a very fast time line. I'm told from the point we file it to when it is set for hearing will be 21 days or so. So the advice that we have gotten and what I'm recommending is that we file that bond validation lawsuit at a time when we get set for hearing, it will keep the smallest amount of uncertainty if the amendment passes with respect to the validity of our bonds. so apparently, make sure that no one else is here to give us testimony on item number 34, as I presume rogers is correct, folks have gone home. Technically, bill bunch was the only person that signed up wishing to speak. A number signed up not wishing to give testimony. Item number 34. Thank you all. Council, further questions of staff, audience? Council member morrison. i want to clarify one thing to emphasize something you just smith, and that is there will be no court result on this case until after the election.

That's correct.

Council member morrison: Right. And I think that some folks are mindful of the fact of trying to avoid taking any action that would influence or potentially influence or appear to influence voters in this regard.

Thank you.

Mayor wynn: further comments? Council member leffingwell.

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Council member leffingwell: You may have said this but i want to emphasize this is a bond validation lawsuit only, and that other aspects, it might be affected by-passage of the amendment will not be affected by this lawsuit.

That is my recommendation and I understand it to be part of the motion. further comments or questions of staff? Hearing none, I will entertain a motion on item 34. Motion made by mayor pro tem. Second by council member shade to approve this item as posted and further explained by the city attorney. Further comments? Hearing none, all those in favor, please say aye? Opposed? Motion passes on a vote of 7-0. Thank you all very much. Again, I apologize, obviously we're running a little bit behind this afternoon, folks. At this time, we need to quickly recess this meeting of stock split counsel in order for us to call to order the this meeting of the austin housing finance corporation board of director's meeting. We have a brief four-part agenda. Welcome.

Good afternoon, board members. My name is margaret thank shaw, treasurer of the austin housing finance corporation. I have a motion for approval of minutes, item number through authorizes the treasury negotiate and execute a one-year service agreement with the city of austin for funds much 5 million to run our housing fund, to run our housing programs with local and grant resources. We fund with these dollars programming as varied as \$100 for a rent deposit or a utility check through our tenant-based rental assistance, to thousands 6-dollars in modifications for architecture barrier removal, up to millions of dollars to create rental and homeowner opportunities through gap financing programs. We expect to serve more than 4,000 people with these programs next year. Item four is a companion program that authorizes the treasurer to execute a program with the city 5 billion in general obligation affordable housing proceeds. These funds will be used to create rental and home ownership opportunities throughout the community for austinites with lower incomes. I offer all these items on consents and am available for questions if you have any. questions of staff, board, comments? We have one citizen that has signed up, wishing to give us testimony on items three and four. Is pat johnson still here? I saw pat earlier. Pat johnson signed up wishing to give us testimony stating he was neutral on item number three, and in opposition to item number four. Mr. pat johnson. johnson's positions for the record. Further questions of staff, board, comment? If not, I'll entertain a motion on this proposed son sent agenda. Motion by board member shade. Seconded by the vice president to approve this proposed consents agenda, that being all four of these posted austin housing finance corporation board of directors items. Further comments? Hearing none, all those in favor, please say aye. Opposed? Motion passes on a vote of 6-0 with board member morrison off the dais.

Thank you very much. thank you, miss shaw with that, I will now adjourn this meeting of the austin housing finance corporation and call back to order this meeting of the austin 00 zoning cases. Welcome, mr. greg gerpbzy. -- Greg gurney.

Good afternoon, mayor and council. 00 zoning ordinances and restrictive covenants item, items where the hearings have bob closed. The first item I would like to offer for consent approval is item 101. This is case c14-2007-0232. Rundberg business park. 320 E. rundberg lane. We have the amount cant postponement originally for october 16 and has revised that request to be a postponement until your november 6 meeting. So we have an applicant postponement on this item to november 6. Shaw, treasurer of the austin housing finance corporation. I have a motion for approval of minutes, item number through authorizes the treasury negotiate and execute a one-year service agreement with the city of austin for funds much 5 million to run our housing fund, to run our housing programs with local and grant resources. We fund with these dollars programming as varied as \$100 for a rent deposit

or a utility check through our tenant-based rental assistance, to thousands 6-dollars in modifications for architecture barrier removal, up to millions of dollars to create rental and homeowner opportunities through gap financing programs. We expect to serve more than 4,000 people with these programs next year. Item four is a companion program that authorizes the treasurer to execute a program with the city 5 billion in general obligation affordable housing proceeds. These funds will be used to create rental and home ownership opportunities throughout the community for austinites with lower incomes. I offer all these items on consents and am available for questions if you have any. questions of staff, board, comments? We have one citizen that has signed up, wishing to give us testimony on items three and four. Is pat johnson still here? I saw pat earlier. Pat johnson signed up wishing to give us testimony stating he was neutral on item number three, and in opposition to item number four. Mr. pat johnson. johnson's positions for the record. Further questions of staff, board, comment? If not, I'll entertain a motion on this proposed son sent agenda. Motion by board member shade. Seconded by the vice president to approve this proposed consents agenda, that being all four of these posted austin housing finance corporation board of directors items. Further comments? Hearing none, all those in favor, please say aye. Opposed? Motion passes on a vote of 6-0 with board member morrison off the dais.

Thank you very much. thank you, miss shaw with that, I will now adjourn this meeting of the austin housing finance corporation and call back to order this meeting of the austin 00 zoning cases. Welcome, mr. greg gerpbzy. -- Greg gurney.

Good afternoon, mayor and council. 00 zoning ordinances and restrictive covenants item, items where the hearings have bob closed. The first item I would like to offer for consent approval is item 101. This is case c14-2007-0232. Rundberg business park. 320 E. rundberg lane. We have the amount cant postponement originally for october 16 and has revised that request to be a postponement until your november 6 meeting. So we have an applicant postponement on this item to november 6. He the next item is number 102, c14-2007-0232. Rundberg business park. 320 E. rundberg lane. Multi- family residence-medium density mf-3 district zoning, limited office lo district zoning, and community commercial gr district zoning for tract 1; and multi-family this is ready for consent on second and third readings. Next case is number 103 c814-96-0003.07. Pioneer crossing pud. Northeast intersection of samsung boulevard and sprinkle cutoff road. Thisready for consent approval for second and third readings. This is the portion I can offer for consent. thank you, gurney so council, the proposed consent agenda where we've conducted and held the public hearing is postpone item 101 to the november 16 meeting and pass on second and third reading items 102 and 103. I will entertain that motion. Motion made by council member leffingwell and seconded by mayor pro tem. Further comments? Hearing none, all those in favor, please say aye. Opposed? Motion passes on a vote of 7-0.

Thank you, mayor and council. 00 zoning and neighborhood amendment items. The hearings are open and there is possible action this evening. The first item I would like to offer is 104, case number, c14-2007-0262. Central austin combined neighborhood planning area, vertical mixed use building v zoning opt-in.opt-out process. Staff is requesting postponement of this item until november 20 on item 104. Item number 105 is case c14-2008-0076. Known as the tech ridge property, located on east palmer lane. This is a zoning change request from single family residence, standard lot sf-2 district zoning to limited industrial service-planned development area li-pda combining district zoning. Zoning

and platting commission to grant limited industrial planned zoning and that is to grant on first reading only. Item number 106 is case c14-2008-0141. Edi parkfield expansion. This is for the property located at 11100 parkfield drive. This is a zone change request from neighborhood office or no district zoning, and limited office- conditional overlay lo-co combining district zoning to limited office lo district zoning. Zoning and platting commission to grant loco combined district zoning and this is ready for consent approval on all three readings. Item number 107, this is case c14-06-0069rct. Which stood for restrategicked covenant termination, for the project located at 6th and congress. This is for the property located at 6th street. Planning commission recommendation; to terminate the request. Related items are items 108 and 110. Item 108 is case number c14-2008-0143. The project at sixth and congress east. 6th street. This is to rezone the property from central business district-central urban redevelopment cbd-cure combining district zoning to change a condition of zoning. Planning commission to grant the request for cbd-cure zoning. Item number 109 is case number c14-06-0071rct. Project at sixth & congress. The project location is 501 n. congress avenue. Planning commission to terminate the restrictive covenant request. This is to consent approval as well. And item number 110, case c14-2008-0144. Project at sixth and congress west. This is for the property addressed at 501 n. congress avenue. To rezone the property from central business district-central urban redevelopment cbd-cure combining district zoning to central business district-central urban redevelopment cbd-cure combining district zoning to change a condition of zoning. Planning commission recommendation; to grant central business district-central urban redevelopment cbd-cure combining district zoning to change a condition of zoning. On items 108 and 110, the applicant had asked for a zoning change to seek an additional far, instead of using administration approval or board approval options and that is regarding 108 and 110. Item 111 is case c14-2008-0153. One hour martinizing. 9900 West parmer lane. This is a zoning change request from commercial- conditional overlay gr-co combining district zoning to general commercial services- conditional overlay cs-co combining district zoning. Zoning and platting commission to grant cs-co combining district zoning. This is ready for consents approval on all three readings. Item number 112 is case number c14-2008-0020. Sundberg tract. 8219 Burleson road. The amount scant still working on the covenant and requests a postponement to your october 16 agenda. Item number 113, this is case c14-2008-0147. Lopez hardware and lumber. 10037 Manchaca road. This is to zone the property from interim-rural residence i-rr district zoning to general commercial services- conditional overlay cs-co combining district zoning. Zoning and platting commission recommendation; to grant commercial services-conditional overlay cs-co combining district zoning. This is ready for consent approval on all three readings. Item number 114, this is case c14-2008-0116. Radam lane. For the property located at 608 and 610 radam lane. This is a zoning change request from sf-3 district zoning to general office go district zoning. Zoning and platting commission to grant general office go district zoning. The property owner and adjacent neighborhood have come to agreement on some additional conditions. Staff just received these conditions today so I'm not sure if they would take the form of a conditional overlay or restrictive covenant, but I do have both parties parties in agreement and would consent to this going on first consents with first reading only with they condition. These are generally the owner of the property or representative will participate and cooperate with the south wood neighborhood association on the objective to have pedestrian paths on the property to the west of the above tract, and which connects to 629 west ben white boulevard, known as city market and radam lane and no requests for parking variances. Parking available through the current city guidance. Three that

the side will comply with site design standards, subchapter e, as though it were on an urban street. And four if building exceeds 50 feet in height, the side facing radam lane must have an area plan. Staff has not had the opportunity to review these additional conditions but the parties agree it can go on first consent with these additional line ups, so we offer that for first reading only with those additional line ups. Item number 115, this is case number c14-2008-0157. Wolfe rezoning. 4707 Commercial park drive. This is a zoning change from interim, single family residence or i-sf-2 district zoning to limited industrial service-conditional overlay li-co combining district zoning. Zoning and platting commission to grant limited industrial service-conditional overlay li- co combining district zoning. This is ready for consent approval on all three readings. Item number 116 is case c14-2008-0178. Canyon creek preserve. Located at 620 road eastbound. And this is a zoning change request from multi-family residence-low density mf-2 district zoning; multi-family residence-low density- conditional overlay mf-2-co combining district zoning; townhouse and condominium residence sf-6 district zoning; and single-family residence- standard lot sf-2 district zoning to public p district zoning. Planning commission to grant public p district zoning. This is ready for consent approval on all three readings. Item number 117, this is case number c14-2008-0150. 808 Nueces. Street. We have a postponement request to october 16 by the neighborhood and we're saying the amount cant agrees to this postponement request so it is a -- applicant agrees to this postponement question to october 16. Item number 118, this is case c814-2008-0165. Property located at 222 & 300 east riverside drive. This is a zoning change request from neighborhood mixed use, neighborhood plan, or limited office condition overlay or neighborhood plan lr-co-mp for tract two, to neighborhood commercial vertical mixed use building conditional overlay neighborhood plan or lrv-co, and limited office, conditional overlay, neighborhood plan or lo-co-mp combined district zoning for tract two. The planning commission's recommendation was to grant the combined district zoning for tract one and the lo-co-mp for tract two and this is ready for consent approval on all three readings. On item number 119, this is case number c814-2008-0165. East riverside pud. For the property located at 222 & 300 east riverside drive. This is a zoning change request from lake commercial or vertical mixed use neighborhood plan l-v-np combining district zoning tract one and lake commercial- neighborhood plan l-np combining district zoning tract two to planned unit development neighborhood plan pud-np combining district zoning. Planning commission to grant planned unit development-neighborhood plan pud-np combining district zoning. I understand the parties are still working on some issues, but this is ready to go for consent approval on first reading only. The applicant has actually asked that the public hearing remain open so that this would come back for second and third reading, but the public hearing would remain open on this item, so that would be for consent trial first reading but with a .. and i have an indication that the neighborhood representatives would like to speak briefly to this item. We can hear him now or after by through the remainder of the consent agenda.

Let us get our consent agenda on the table.

Very good. Item number 120, case number c14h-2007-0017. 01 Highland avenue. A postponement request by the prompt owner. The neighborhood will agree to the postponement by they too would like to make one quick comment. So would you like also to defer that.

Mayor wynn: yes, please.

Let me continue on to item number 121. This is case c14h-2007-0017. Dorothy nichols duplex. 1206 Lorrain street. This is a zoning change request for multi-family residence-medium density-neighborhood plan mf-3-np combining district zoning to multi family residence medium density-historic landmark-neighborhood plan mf-3-h-np combining district zoning. The staff had originally recommended this zoning change request, it was also recommended by the historic land mark commission and the planning commission. We have received letters from the owner of the property saying that they are going to withdraw the request for demolition of the main house, and that any additional changes to the exterior would then seek approval of the historic land mark commission, noting that they would still move forward with the partial demolition to demolish the rear garage, which is in disrepair, and the nonhis store I believe addition to the back of the existing -- to the nonhistoric addition to the back of the existing duplex. The historic land mark commission would be supportive of this. In light of this, staff would not object if this case is withdrawn and I have these letters to make for posting in the file noting support and the desire of the owner to withdraw dem police of the main house. You can take this as, I guess, a consent item to withdraw if you so desire, or we could discuss the case further. I think we will propose to withdraw it. .. once we get our consent agenda that includes withdrawing 121, if the applicant or neighbor needs to say a brief comment, do they.

Very good. Let me continue. Item number 122 this is case npa-2008-0023.01. Windsor park development. For a neighborhood plan amendment for the property at at5908 manor road. And a related item, number 128, wind or is park development, for that same property at 5908 windsor road, for a blowing change request. The applicant has withdrawn items 122 and 123. However, I understand there is a neighborhood we still like to make a few comments regarding this case, but the case has been withdrawn. No action is required of the council this evening. So if you would like to wait for that at the end too, we can do that as well. Item number 122, this is case -- item number 124, this is case number npa-2007-0012.02. 1600 Block of east mlk 1600, specifically the properties located at martin luther king jr. blvd. This was for a neighborhood plan amendment in the upper boggy creek planning area. The applicant has requested postponement of this item until the october 16 agenda. The neighborhood agreeses the related rezoning case which they've also requested a postponement of to october 16 is item number 125. This is case number c14-2008-0099. Again, for the same properties at 1600, 1602, 1604 and 1606 east martin luther king boulevard. Item number 126, case number c14-2008-0175. Delwood 4, block f, lot 22. 1216 Corona drive. This is a discussion item on the ... or the property owner would like to speak to this item item 127, case number npa-2007-0009.03. Petty property. The central east austin neighborhood plan. Properties located at 15th street tract 1; 16th street tract 2; and 1506 waller street tract 3. .. A zoning case related to this, the applicant has submitted a postponement request today regarding this item to the november 6 agenda. The neighborhood is in opposition to the postponement of this postponement request. And so we could hear both of those parties at the end or you could hear them now. and is this the first request by --

it is the first request by the applicant but it was received today. well, in fact, why don't we go through the rest of the consent agenda and take that up postponement discussion.

Item number 129, case c14-2008-0025. Circle oaks business park. Located at 3107, 3109 and 3111 west slaughter lane. This is a discussion item. Item number is 30, c14-2008-0052. Known as the tjg property. Located at 9609 swanson's ranch road. We had been contacted shortly before the hearing, one of the neighborhood representative has a death in the family and will not be able to attend tonight and they've ask the to postpone in and in light of that the agent for the case has agreed to the postponement to the october 16 meeting.

> Item number 131, case number c14-2008-0112. 4209 Clawson road. We had a notification error in this case, there is no action required, it is removed from the agenda and we will bring this back on another day. 131 Is an item to be removed from the agenda no action is required today. Item number 132, this is case npa-2007-0001.02. Wilson street. This is a neighborhood plan amendment in the dayson neighborhood planning area. The related case is number 133, but these are for properties at 2602, 2606 & 2610 wilson street. We have a postponement request that was received, I believe yesterday, by council and by staff today to postpone or deny this request from david baker or kim cook. And I'm not sure if they're present here this evening, but we have a postponement request on 132 and 133, but not to a specific date. Item 134 is case c14-2008-0128. For the prompt located at 5005 spicewood springs road. This lab discussion item. And finally, item 135, case c814-2008-0016. Dell jewish community center. Property located at 7300 hart lane. This will be a discussion item as well. And that concludes the items i can offer for this portion of the agenda. thank you, guernsey, let's take up a couple of postponement discussion item, with mr. guernsey's help. .. we can know also once we get a consent agenda, we will take additional comment from citizens. I think our first discussion about a postponement conflict is combined case 127/128.

That's correct. Case 127 is a neighborhood plan amendment in the central east austin neighborhood planning area for the petty petty property and the related zoning item is case 128. Ing I believe the applicant's agent is here to speak to this. Oh, applicant.

He just came in today.

That's correct. we have citizens here patiently waiting to testify, but they do understand that our very common approach is to grant requests for postponement for first requests, but we always do greatly appreciate that request coming in in a timely manner. But perhaps a quick rationale from the applicant.

Mayor and council, we've had several discussions this week with a variety of people, including residents and residents that have property adjacent to the property owner that has been very productive. We've been asked to look at alternative structure to the zoning and we feel that out of respect for the residents and the neighborhood and for the project itself that we owe the due diligence to those requests to review an alternative zoning request in this case. And that's why we're asking for the postponement. Some of those requests came about as late as this afternoon, and thus our inability to get this dun earlier than we did and I apologize for that.

Mayor wynn: understood. Questions of our applicant, council? Perhaps if there is a neighbor who is in opposition to this postponement request. And again, is there a specific date requested in the

postponement?

November 6 agenda.

Mayor wynn: november 6. Welcome.

Mayor, council member, my name is bill minor, I'm the president of the neighborhood association, and after some discussion we have decided we would like to withdraw or objection to postponing this case. fair enough, thank you, mr. minor. Council, as part of the consent agenda that I will propose in a few minutes will be to postpone items 127 and 128 to the november 6 meeting. We had postponement on item 132?

132, 133 And these are on wilson street and the postponement request I believe issued by council maybe yesterday and we received it today from a david baker and a kim cook. If they're present, I know mike mccune is the agent and I know he is present because he is standing right behind me.

Agent for the applicant.

Mayor, members of the council, I was somewhat surprised to find this e-mail when I arrived here and handed it here today. The people who sent this e-mail are not here. We have been working with the folks at the apartments to relocate these building, we are in the process of negotiating that deal and we need to move forward as fast as we can so given that this council's policy to grant a postponement request, even probably with the people who are requesting it not being here, but only here by an e-mail, if it/i have two suggestions. One, pass on first reading only, which we would agree to with the public hearing remaining open that way when they were in attendance, they could make testimony if they needed to. That would give us the incentive to move forward with our negotiations to relocate the properties and not slow us down. Or we could go with the one-week postponement way slow us down some but I would remember the prior, the first -- prefer the first option, and I do have the folks that we're negotiating with in the audience here, hoping that we can move this on consent and get on down the process of getting these houses relocated. you say the folks you're negotiating with that being the seller of the current property or the likely recipient of the relocated building?

The recipients of the relocated property. I represent the seller of the property.

I do recognize and I'm sure you advised them from a legal standpoint, from a formal approval standpoint, you know, from a financing standpoint, ultimately it takes a third or all three or a third reading for this council or any council to make a decision. It's not uncommon for a decision to change between first reading and second and/or third, and so from a timing standpoint from a, just technically try to negotiate a bank financing or a contract of sale, first reading might just give some modest implication, but especially if we are going to keep the public hearing open, you know, with all due respect, I don't think it would accomplish that much.

To further elaborate, mayor, last month we were before the land mark commission, at which time staff

had recommended that rather than the demolition permits that relocation be done on certain portions 67 this property and that's what we're trying to do is follow staff recommendation. And this is a, as you know in any negotiation, building phase is very important in the step-by-step process, it is important to everyone and we would appreciate the opportunity to move forward. .. I'm somewhat, I'll say it, impersonal, nonattended postponement request. Council member martinez? is charlie in the audience? He reached me saying they had requested a postponement but they were okay with moving forward on first reading. Some cottages ought to be moved to a new location.

Mayor wynn: welcome.

I'm charlie fey, the one negotiating to relocate the building. And we did agree to let the first reading go today and then keep the second and third for, i guess it was october 16 or 20th. we have a meeting ON THE 16th. So then without objection, council, we will conduct likely a brief public hearing on combined cases 132, 133.

Mayor, part of that would be the public hearing stays open.

Correct. Thank you, charlie. Is that the last of our discussion?

Yes, mayor and council. [One moment please for change in captioners]

combining district zoning for tract 1 and sf-3 co-np combining district zoning for tract 2. The planning commission recommendation was granting multifamily -- conditional overlay neighborhood plan, mf-2 co, combining for tract one and multifamily residents, conditional neighborhood plan, sf-3 co, for tract two, moderate high density, conditional overlay, neighborhood plan or mf-4-co-np combining district zoning for tract 3. And with the understanding i think it's only for first reading only on 132 and 133. thank you, mr. guernsey. So then for folks who are about to try to plan their dinner hour, what we'll do here is I'll propose the consent agenda on these cases that we've been introduced to by mr. guernsey. There's a couple of citizens who will give us some limited comments on items that are on the consent agenda, in one case two items have been withdrawn. That will leave us with about five discussion items that we'll take up as soon as we get back from our live music and proclamations. Because here in a few minutes we get to listen to chadd thomas and the crazy kings. But with that I'll propose the consent agenda cases on these cases where we have yet to conduct a public hearing. That will be to postpone item 104 to november 20, 2008, to close the public hearing and approve on first reading only item 105, close the public hearing and approve on all three readings item 106, 108, 110, and then going back to close the public hearing and approve the proposals on the restricted covenants, items 107 and 109, each related to one of those two previous cases, close the public hearing and approve on all three readings case 111, to postpone case 112 to october 16, 2008, to close the public hearing and approve on all three readings case 113, to close the public hearing and approve on first reading only case 114, with additional comments that we heard earlier for the record, to close the public hearing and approve on all three readings cases 115 and 116, we'll be postponing item 117 to october 16, 2008, close the public hearing and approve on all three readings case 118, to leave the public hearing open but approve on

first reading only case 119.

And I had the applicant's agent just approach me and said there was also agreement if this item were to come back on your october 16 agenda for second and third reading consideration, and I think jack can speak on the neighborhood's behalf, or save -- I'm not sure, which one, and address that as well. So that was also part of their agreement, to allow the consent on first reading.

So without objection, so we can go ahead and get the motion on the table, we might hear something different from mr. jack. And let's see, to postpone item 120 to our october 16, 2008 meeting. We should note that items 121 and 122 have been -- and 123 have been withdrawn, but we'll hear from a citizen on two of those three cases. To postpone case 124 and 125 to october 16, 2008, and to postpone the combined cases 127 and 128 to our november 6, 2008 meeting. To postpone item 113 to our october 16 meeting -- sorry, did I say -- item 130 --

130. to postpone item 130 to our october 16 meeting. Note that item 131 has been removed from -- removed from your agenda. removed from the agenda. Leaving us with five discussion cases. I will entertain that motion.

We still have 132 and 133 available for consent, the wilson -- did I -- we were going to say consent on first reading only but leave the public hearing --

hearings open.

Mayor wynn: thank you. On cases 132 and 133, the public hearing will remain open. We'll be approving on first reading only. Thank you, mr. guernsey. So I'll entertain that proposed motion. As a consent agenda. Motion made by council member cole, seconded by council member morrison to approve this consent agenda as proposed. Before I call for a vote we do have a handful of folks who wanted to give us testimony starting with jeff jack okays 119, the east riverside. Mr. jack?

Mayor, council, I'm jeff jack, and I'm on the board of save town lake, and it's a delight to be here tonight in favor of the zoning case. I want to thank greg miller with cws and richard sults to continuing to work with the neighborhood and save town lake to craft this ordinance before you this evening that does reflect the agreement that we reached with them on this project. There are a few little minor tweaks that we have to do and we can do that before first and second and third reading. I did want to mention that we are in agreement with the october 16 time frame. That is fine with us. I want to also thank you, the city council, in showing great leadership in this case and recognizing the community's commitment to work to save the value, the beauty of the town lake corridor. And with that it is a delight to support this project. Thank you. glad I was wearing my hearing aid, jeff. [Laughter] I won't believe the transcript. Let's see.

I think you had a speaker from the neighborhood on item 120, the blondie pharr house.

Mayor wynn: correct. Thank you very much. Welcome, again, this is another postponement to october 16.

Hi, my name is lore on per carol and I'm with the old west austin neighborhood association, and we are here prepared to give our presentation tonight, but i understand with some misinformation that it is going to be postponed to the october 16 meeting, and we look forward to seeing you-all then, and we will present what we have scheduled for tonight. And we are not opposing the postponement.

Mayor wynn: thank you.

Thank you. see you next month. And let's see, on our withdrawal cases, item 122 and 123.

123. paul sal has signed up.

I'm paul saldano represent northwest austin community alliance. We want to thank the council for your support and attention on this quite contentious issue over the last several months, specifically regarding to our concerns for the nainer road sro project and while we are content and appreciate the applicant has withdrawn their application, we wanted to note that there's still much work to do in developing a city policy to address the larger question of equity raised by many east austin residents who continue to worry about where project to benefit the entire city but are generally viewed as undesirable as neighborhoods are placed. You may recall back june 26, that the statesman editorial recommended that the council should look at the issue of equity and first make a decision about whether one or two communities should be burdened by less than desirable projects, though they benefit the entire city. While land is certainly cheaper east of i-35 cost should not be the only criterion and is there a better way to spread the burden for services that benefit all of austin. So it's the hope of nebaca that the city and the council will work on developing a city policy and criteria for relocating such projects and that we study the impact on neighborhoods to find wait to mitigate the damage. And we certainly as an alliance welcome the opportunity to participate in that process. Thank you very much. thank you, mr. saldano. I believe that's all the citizens that wanted to give us testimony or comments on this proposed consent agenda. And again, council, we have a motion and a second on the table, leaving us with, i believe, five discussion items. Further comments on our proposed consent agenda? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: opposed? Motion passes on a vote of 7-0. Thank you all very much. So folks, that takes us just 30 break for live music and proclamations. Stay tuned for chadd thomas and crazy kings and i apologize with my hearing, I'm going to turn the proclamations over to mayor pro tem, and while we're --

executive session -- and while council is off the dais, before we come back into open session, pursuant to 071 of the open meetings act, we will take up legal items posted as number 99, legal issues regarding our franchise, orders for solid ways powers. So council technically is now in closed session while we conduct live music and proclamations. Hopefully to return to open session shortly after 6:00

p.m. Thank you. Sal

we have chadd thomas and the crazy kings. They play all over texas and perform more than 200 shows a year. In july of 2008 this four piece rock a billie combo released adam and evil and now featuring 14 original songs, they recent ri returned from the country music festival in france. So please join me welcoming chadd thomas and crazy kings. [Music playing] [?? singing ??] [applause]

guys, that was awesome. If you-all -- which one of you-all is chadd? Action, so chadd, if you could tell us where you're playing locally and also what is the best part.

We play all over town. It's a great town to play in and we're glad to be here. Let's hear it for will wynn, doing a fine job. We do the headhunters, belmont, we're versatile and love being here it's great because we were in france and that says it all.

I'm playing the stunt man, I'm brewster, that's because the mayor can't hear. Get the volume up so the mayor can hear and everybody -- you-all did awesome. I wonder -- I'm sorry, can you tell me what your next show is locally?

Do we know?

Saturday we're in oak hill.

Saturday night in denvers at oak hill. What time?

10:00 P.m. in theory saturday night, denvers in oak hill, catch that and you'll get to hear more than one song. So now we have proclamations that I just took out of the folder here, so be it known that whereas the city of austin, texas is blessed with many creative musicians whose talent extends to every musical genre and our musical scene thrives, because we support local legends and newcomers alike and we are pleased to showcase our local artists. Now therefore will wynn, mayor of the live music capital of austin texas hereby proclaims september 25, 2008 as chadd thomas and the crazy kings day in austin, texas. (Cheering).

I appreciate I got the chance to introduce you-all tonight because I'll now be a hero to my 4-year-old son. He wants to be a guitar hero when he grows up too. So thanks a lot, guys. ee white, are you going to introduce the combined charities first proclamation?

Hi, everybody. On behalf of the city of austin combined charities campaign steering committee I would like to thank the mayor, mayor pro tem, council members and city manager for supporting this effort. I'd also like to thank all of the city employees who have helped with the planning and training for this year's campaign. The city of austin's combined charities campaign is one of the strongest payroll contribution campaigns in central texas, both in giving and level of participation. City employees are known for their generosity. Since 1993 the campaign has 2 million for hundreds of charities that need your help. We are certainly facing tough economic times, but i am confident that we will once again step up to the plate to

assist those less fortunate than us. Last year we raised \$717,000. This year we're raising the bar and striving for donations totaling \$750,000. In addition, we will officially kick off the campaign next week with a hurricane ike relief fund drive. This will help the thousands of evacuees who were left without homes and other basic needs. I had the privilege to work at the convention center shelter and watched hundreds of city employees give their time and energy to care for those who called austin home over the past few weeks. I am lucky to work in this caring organization. Thank you.

I really do have -- if you-all could each get in line and introduce yourselves and tell us just what your role in the charity.

My name is joe beth french and I'm with with the fire department and I'm citywide coordinator for the campaign this year.

I'm tony lambert with the austin public library and I'm a member of the steering committee.

I'm max woodfin. I'm one of the two campaign managers.

I'm edie mullberger, one of the other two campaign managers.

I'm dave of the austin utility and I'm on the steering committee.

Harry evans, austin fire department. I'm the coordinator for the department.

It's like the most terrifying thing is public speaking, particularly when it's not expected. Well, I really appreciate everybody giving something bigger than yourselves and helping make our community a better place to live. That's what austin is all about. It's one of our core community values. So we've got a proclamation, be it known that whereas charities provide a vehicle through which volunteers and community agencies can work together to support an array of health, education, environmental, social justice and service programs, the central texas community, these are statewide and international communities and the city of austin combined charities campaigns raised more than \$8,269,000 for the community since 1993, and whereas we encourage all city employees to lend a hand and make a difference by contributing generously to the charitable agencies of their choice. Therefore will wynn, mayor of the city of austin, texas, does hereby proclaim october 2008 as the city of austin combined charities campaign in austin. Thank you all very much. [Applause] is shelly here? Shelly priebe? Shelly priebe? With a name like brewster mccracken I have to figure out everybody else's name. Shelly, this is the 30th ANNIVERSARY of McElroy translation and how you got start/ed and how you made it 40 years.

Glad to. Thanks for having us and thank you so much. We're having a party next tuesday, which is international translation day. We're choosing that day to COMMEMORATE the McElroy's 40 years of business and community service in austin, texas. I've been with the company for over 20 years. I tell everyone I started when I was about 15. I know -- knew the founder, ralph McElroy very well, and when he passed away last year our company lost a founder of great vision, and the city of austin lost a

business leader who really embodied the entrepreneurial spirit and the appreciation of cultural diversity, which exemplifies austin. As we look to the future we continue to focus on customer service, innovation employee care, the things that have made us profitable and stable for 40 years, the things that will help us continue to grow, that will help us continue to provide a stable working environment for our employees and continue our philanthropic activities in austin, texas. Thank you so much for making this a special anniversary by helping us celebrate.

A great local success story for a great local business, shelly, I'll read this proclamation that WHEREAS, McELROY Translation is celebrating 40 years of success helping clients meet their global language needs. The company provides medical, legal, tech and business translation swell software and web site localization services. We've had web sites for 40 years?

No, we started with technical documentation. Yeah, we discovered the internet.

You too? Great. whereas McElroy has served more than 5,000 clients in diverse markets and in more than 200 languages during the past four decades, McELROY DISTINGUISHED Itself as a good corporate citizen by contributing cash, gifts, pro bono translations and volunteering to the austin children's shelter, united way, and meals and wheels, now therefore will wynn, mayor of the city of austin, texas, does hereby say CONGRATULATIONS to McElroy on their 40th anniversary and proclaim september 30, 2008 as international translator day in austin, texas. Congratulations. Thank you very much.

Thank you so much. [Applause] all right. Now we're moving on to a proclamation. This is going to the travis county sheriff's department. With us this evening is -- do you have the proclamation? That's okay. Thank you.

With us this evening is deputy derrick taylor with the travis county sheriff's office, and the sheriff's office came to my office and asked me if I would help support and participate in this event. Sheriff's hamilton is trying to reach out to all facets of our community, but specifically emphasizing reaching out to the hispanic community and letting them know that, you know, the sheriff's department is there to serve them, protect them, take care of their needs and issues. And so on october 4 -- saturday, october 4, they're going to have -- the travis county sheriff's office community extravaganza in wells branch area, and we want to present this proclamation to deputy taylor, give him a minute to talk about the event and invite everyone out. I'll read the proclamation. Be it known that whereas the travis county sheriff's office is hosting a fun free event at the wells branch municipal utility district onshore line drive so citizens can learn more about the sheriff's office and its services to the community and whereas the event features the travis county swat k9 and patrol units along with star flight, ems the fire department and others giving presentations and dings demonstrations, lots of information, free food, moon walks, clowns, magicians and door prizes make this a fun day to learn about and interact with our county law officials. Therefore, i, will wynn, mayor of the city of austin, texas, proclaim october 4, 2008 as the 6th annual travis county sheriff's office community extravaganza. I just want to say thank you and ask you to come and say a few words.

Thank you, council member martinez. I want to talk real quickly because I can talk about the extravaganza for about three hours. This is my puppy, this is my baby. I started in 2004 for kids that grew up like me that can't go somewhere and participate in something because it cost a dollar or \$2. We started this in 2004, had a hundred people come out. We're up to 3,000 to 4,000 people. Everything about the extravaganza is free free. No. He will tickets, no -- bring people who you think can enjoy free time on the sheriff's office, and i applaud the city for jumping on board with us to help us out. I came to council member martinez to come help me reach out to the hispanic community, and I can't, no -- I don't speak spanish. He said I'll do it. He's been pounding the pavement for us, so el mundo, they're coming out, bringing out 800 people from the hispanic community to to out and enjoy a free day. I cannot talk about it enough, but I can -- i want -- just think about 13 restaurants from austin, land and cattle to chick-fil-a giving foot away. Giving away \$17,000 of free gifts. Just show up, go to one of my volunteers, grab a ticket, stick it in the bucket and try to win a free ticket on southwest airlines. Game boys, a whole bunch of things, and if you play poker I'm giving away a poker table also. Please come out, support it. I could talk about it all day long. I think it's a wonderful event. Thank you to the city for helping us out, getting the word out and it's going to be a wonderful, wonderful day. I only have six fliers left so if you just want one, it's over there. If not 854-4315 if you want more information. Thank you very much.

Derek, thank you.

Thank you. [Applause]

we have one more proclamation by council member leffingwell. actually i don't have a proclamation. Somebody else is going to read the proclamation to the city, so I wanted to introduce colonel dwain james from the employers in support of the guard and reserve.

Thank you, councilman. I feel an honor and privilege to be here today, especially in this distinguished company. It's my honor to be here on behalf of the secretary of defense to talk briefly about the city of austin being in washington last week to receive the employers' freedom award for 19 -- for 2008. Austin was one of over 2,000 nominees for this award. Only 15 are given annually, and they're broken down into three categories: Employers, large employers of over 500 employees, the smaller employees, and then the public sector. And austin is in great company. Other recipients, not a complete list, included chrysler corporation, the oshkosh corporation, state farm insurance, the choctaw nation of oklahoma and several others. The event itself is recognizing, you know, what each of these employers have done that goes well beyond what the law requires to take care of their employees. And mayor wynn and council member leffingwell and others within the city started over a year ago to do a better job of taking care of their employees that serve in the guard and reserve. At the time that the policies and the procedures began to come under review, they were not aware that the freedom award even existed, so this recognition is not something they were seeking but something they have earned because of what they have accomplished. Last week the mayor and council members and several others from austin were in washington, as you see on this photograph before you to receive this award. This consummates well over a year, as I said, of a lot of changes here within the city, that has also spawned similar actions throughout the country. The league of municipalities executive director last week put out a message to

all of their members encouraging the other 19,000 cities and to get behind the guard and reserve, employees that they have, and to look to take care of them and their families and their needs, you know, perhaps better than we are at the present in some locations. Austin's initiatives to bring a consultant on board to work with those military reservists in helping to train and develop and educate supervisors so that they could do a better job of managing their people and being more responsive to their needs while they're deployed and reintegrating them in a timely and effective manner has saved the city money and it's also built a stronger, more loyal, more supportive work force as these individuals know that even though they're gone serving their nation overseas, their job is secure, their benefits will be there, and they're going to be taken care of while they're away as well as upon when they return. Austin joins four other companies here in Texas who have also -- who are also previous recipients of this award, usaa, southwest airlines and the Burlington Northern Santa Fe railway system. So indeed it's a unique group and we look forward to working with the mayor and city council and their staff in the future. And thanks again and our congratulations. Thank you.

Thank you. [Applause]

Thank you, Colonel. I'm very proud of this award but I want to thank some other folks along the way. As Colonel James said about a year ago, we actually began work on this program, and it would not have been possible without the support of city staff, at that time city manager Toby Futrell. So Toby, wherever you are, thanks a lot, and you should be proud of your award as well. And I also want to thank my former aid, Andy Mormon, who worked very hard with the city manager to get this program launched and also my current aide, Larry Schooler, who ably stepped in and followed through very well on all of this. It was mentioned that the city -- and by the way, the city of Austin was the only city in the country to receive this award. About 2,000 nominees. There were other organizations, large corporations, small corporations, all government entities like fire departments. We're the only city to receive that -- receive this award. Allen, would you come up? Allen Burgeron is our veterans consultant, and he is the unique feature in our program. All the programs, we heard them all described when we were up at the ceremony last week, the mayor and I and others, we heard the main facets of their program described. None of them -- we were better than all of those programs that they announced up there, in my opinion. Very unbiased -- very unbiased, of course. But one thing that sets us apart from all of the other programs is our veterans consultant Allen Burgeron. Allen has one job and one job only. He coordinates the activities of guard and reserve, and that involves a whole lot of things. As was mentioned, he supervises, makes sure that supervisors are advised of what our city procedures are, and he assists the families of reservists and guardsmen who are called to active duty while they're gone for whatever assistance they need. And by the way, the city continues health insurance for the families while they're gone, and on occasion he has even gone out and mowed their grass while the reservist was on active duty. So whatever you need, Allen takes care of it. So thanks, Allen. Let's give him a big hand.

[Applause] This is the award. I'm going to be very careful, so I don't want to knock that off this podium because it looks fragile, and the mayor and I were talking about it in Washington last week. We hope to have a special place for it in city hall, hopefully right out there in the atrium, maybe in its own pedestal, sealed in argon, glass enclosed or whatever it takes. So we're proud of it. Thanks to the ESGR for this award. Mentioned Southwest is, of course, an airline in the state of Texas that has the award. American, the other -- I believe the only other airline based in Texas did not get the Freedom Award, but they did get

the pro patria award, which is a regional award for the same purpose. So maybe this year we'll have both Texas Airlines in the mix. I'd like to ask Mayor Wynn, would you like to say a couple words? It's your show. Well, again, I want to thank everybody involved here. We're proud of the program, and we will honor this award and continue the work that we've been doing for our guardsmen and reservists, and our veterans. That's also part of it too. Thank you very much. [Applause]

Just want to make one other comment, and something I meant to say, but the only way you can be a candidate for this award is to be nominated by an employee within the organization, and three employees of the City of Austin submitted those nominations, so that was the process. And for any organization to get that kind of support from rank and file employees means a lot. And it says a lot, and it goes back to the accomplishments and the -- again, how the employees of Austin feel about their leadership. And I really meant to say this, I forgot to say it. But finally, I've gone around with Allen Bergeron. We visited the Chamber of Commerce. We are trying to convince other private employers who are in the city to take up the same program, and I just want to say tonight that I call on all the major employers in the City of Austin to work to adopt a program and being honored by the Department of Defense with an award like this. [Applause] We are out of closed session, in executive session we took up our final item, that is item 99 discussing legal issues regarding a franchise ordinance for solid waste haulers. No decisions were made. We're now back out in open session to continue with our zoning cases, specifically those -- I believe five remaining discussion items. Greg Guernsey.

Thank you, Mayor and Council. Our first item is item no. 126. This is zoning case C14-2008-0174 Delwood 4 Block F Lot 22 Drive. Located at 12126 Corona Drive, and this particular property is a city-initiated property by the Commission, and the property was rezoned during the Windsor Park neighborhood planning process. The future land use map that was adapted by Council for this property in 2007 indicated it was still single-family, but due to an address discrepancy in our mapping system, it was thought to be part of a property that fronted on Cameron Road, which is just a little bit further to the west. So the property is currently zoned community commercial vertical mixed use, building conditional overlay plan district zoning. The property owner has thought that the property was commercial, should stay commercial, and has filed a valid petition against the rezoning of the property from its current commercial zoning designation back to the family residence or SF-3-NP zoning. The property itself is about 8,515 square feet in size. It's currently used as a duplex on the property. To the north are existing single-family residences. To the south is a service station and single-family residences and a small retail center. Farther to the west is a service station and to the east are single-family residences. The staff recommendation was to change the zoning to SF-3 and the planning commission also recommended the SF-3 NP zoning. There is a deed restriction that currently exists on the property limiting it to residential uses. The restrictions against commercial uses, however, does not exist on those properties that are farther to the west that are adjacent to Cameron Road. And copies of this -- these restrictions are in your backup. Just to give you some orientation this is near Capital Plaza Shopping Center, west -- or east of 35, and I think with that I'll pause and if you have any questions I'll be more than happy to answer them. The neighborhood, both responsible growth for Windsor Park and the Windsor Park neighborhood association, are supportive of their neighborhood plan. As I mentioned before the neighborhood plan indicates this property would be for single-family use and not commercial. Council member Leffingwell?

you say this properly -- property got zoned this way by mistake?

That's correct. It was thought to be part of the commercial property. If you look at the map there is a convenience store and occupies the first three lots, and by our addressing system it was thought to be part of those three properties that were farther to the west. And it's been developed with a single -- duplex residence and has been used that way for many years. you thought it was part of the larger property just to the west that fronts -- by addressing we did. If you look at the future land use map it indicates it was designated for single-family on this property, but because of addressing issues and when we notified for zoning, that address was included with the commercial, and that's how it got the commercial. so now the owner of the property has filed a valid petition?

Guernsey: that's correct. They would like to keep --

leffingwell: down zoning.

Correct. They would like to keep the commercial zoning, and i becamer, james is here tonight to speak for the reasons why that they would like to keep that.

Okay. remind me, technically the city is the applicant and agent.

That's correct. The city is the applicant in this case. The property owner is here to speak to the petition and their desire to maintain the zoning that exists.

Mayor wynn: right. And I see nobody else has signed up. Is the neighborhood perhaps here --

well, the property owner is here. He's coming forward, james, come to the podium and he can speak to his desire. I'm not sure if anyone here is from windsor park or responsible growth for windsor park here. I know they were probably here earlier for another case further up the road on manor road, but after that case was withdrawn they may have left.

Mayor wynn: right. silver bocer?

Yes.

Mayor wynn: welcome. You have three minutes.

Thank you, mayor, council persons. When I purchased this property in 1959 the person I purchased it from said that it was an unrestricted lot, and when the rezoning came up of the neighborhood association, we figured, well, it's a done deal, it has gone commercial. And the neighborhood association has no argument against it staying commercial at this time. We talked to a rick kerbanik, and I also have some photographs of the property across the street, which I don't know if you-all have copies of it or not. And then I have the ordinance, 2007, '08, '09, 2005-7 accepted and approved by the mayor mayor will wynn, and the city clerk and david smith, the city attorney. Therefore, we feel that it

should stay commercial since it was indicated to us from the beginning that it was commercial property, even though we did build a duplex on it. And the deed restrictions are -- were set up for ten years, and also this ordinance would change the deed restrictions and the rezoning of the property in that area. And if you would care to see the pictures of the property across the street, I have them right here. if you'll put them on the overhead for us if we need them. Questions for mr. powerbacker, council?

Yes, this is the center directly across the street, and on the far end there's a residential lot, they have taken in with the center for parking area that they could not have gotten the permit for the nomad club, which is , which also makes our property unacceptable as residential with the opening till on the nomad club property across the street, due to the large number of persons and the late night opening of the property. Now, this is the property in question. My property is the one on the right, and if you'll notice across -- between the two, the strip across the street overlaps on to the property at 1218 corona. We'd like to keep it commercial of some kind.

Mayor wynn: great. Questions for mr. powerbacker? Sorry if I mispronounced that.

That's all right. again, we have no other folks signed up.

No.

Mayor wynn: okay. Council member leffingwell? I'll make a motion to close the public hearing and on all three readings approve planning commission recommendation, and my rationale in doing this is it was a mistake, it was intended to be zoned single-family. The use right now is single-family, and both staff and planning commission have recommended the correction of that error and zoning in single-family. motion by council member leffingwell to close the public hearing and approve on all three readings planning commission recommendation, seconded by council member martinez. Further comments? I just want to make sure i the fact that there's no -- got no -- kaboniak pretty well, he's active and aware of this neighborhood plan and these cases and have no folks here probably knowing that a valid petition or opposition to this proposal have been filed. Strikes me as a little odd.

I haven't spoken to anyone from either the responsible growth or windsor park as far as their board members, but I've understood that they are in support of the plan, the plan indicates this is single-family. I talked to the case manager earlier, and she had indicated that this is also her understanding as well. I would point out just in the deed restrictions, the deed restriction does speak to a ten-year provision, but there is a provision deed restriction that is also in your backup that they would remain in effect after january 1, 1963 and would automatically be extended in successive periods of ten years unless there is a vote of three-fourths, a majority, of the owners of the lots or plats within the subdivision. And so it's my understanding the deed restrictions would still be in place today because I don't have any other evidence otherwise.

Mayor wynn: thank you. So again motion and a second on the table, planning commission recommendation, all three readings. Further comments? Hearing none, all those in favor please say

aye.

Aye.

Mayor wynn: opposed? Motion passes on a vote of 7-0. Thank you all.

Proceeding on to the next case, the next case is 129, case c14-2008-0025, known as the circle oaks business park. These are for the properties located at 3107, 3109 and 3111 west slaughter lane. The property is currently zoned single-family residence, standard lot or sf-2 district zoning, and the proposal is to general office, conditional overlay or go-co combining district zoning. The zoning and planning commission recommendation was to grant lo, limited office, conditional overlay zoning with the conditional overlay allowing medical offices less than 5,000 square feet in size and all neighborhood or no district uses and limiting the existing impervious cover on-site to the existing, and that is right now approximately 42.6%. We do have a valid petition that's been filed by adjacent property owners, I believe to the north and south and the surrounding properties, which is -- its today at 31.88%. The property currently contains a hair salon, medical offices, real estate offices, an insurance company, I believe an ex-terminating service, which may have now moved out. Administrative offices for a plumbing supply and parking area. To the south there are existing single-family residences, part of the tangle wood forest neighborhood. To the west is a rehabilitation center, to the east is an insurance office and one-story residence. And then further to the north, and this would be properties that are actually on the other side of slaughter lane. There are existing convalescent centers, retail shopping, dentist office and convenience storage. There is a joint access easement, which is along the southern property line, by which these properties take access, and there's a subdivision plat note regarding these properties that individual driveway access to riddle road, which is now slaughter lane, is prohibited from these blocks 1 through 5, and the three lots that are being considered share a direct access driveway to slaughter lane from the westernmost lot. It is located in the barton springs zone, and part of slaughter creek, and there have been zoning changes that have been proposed and recently withdrawn. There is a code enforcement citation that had been filed with regards to exterminating services and a hair salon which are not permitted uses on those properties. However, the exterminating business -- there's been a letter provided by the applicant saying that they would vacate this property on september 2, and that letter should be attached in your backup. At this time I think I'll jeff howard here that's representing the owners of the james gang living trust, that are the owners of the property. And if you have any questions I'll be more than happy to answer them. I believe the neighborhood's representatives are also here to speak in opposition to this case. thank you, mr. guernsey. Questions for staff, council? We do have in addition to howard, an agent and a number of folks donating time to him. So six or so more folks who will speak in favor and three neabs who will speak in opposition. So we'll start with our applicant/agent presentation. jeff howard, and jef a handful of folks wanted to donate time to you. The rules are of course they need to be present in the chamber in order to do so with a maximum of 15 minutes allocated to a speaker. Is jim or vickie lancaster here? Hello, folks. Welcome. Marcy or robert pittman? Welcome. Jeff, you'll have up to 15 minutes if you need it and you'll be followed by heidi barbanderas.

I won't need that much time. I'm jeff howard. I'm here on behalf of the applicant in this zoning case. We have a powerpoint that is up for item 129. Basically this property is a request from zoning from sf-2 to

go-co and the co would limit uses to lo uses plus personal services for the existing hair salon. And we have business support services up there but we're really talking about the hair salon that we have existing that we want to allow to continue. And then the co that we propose would also limit site development regulations to those in the lo district. So basically our proposal is for lo with the addition of personal services for the hair salon. This is an aerial of the property. The property comprises three guernsey said, it's located on slaughter lane, which as know is a major arterial, four lane divided roadway. Two of the lots have buildings on them and one of the lots is a driveway and parking. guernsey said, there is a plat, note restriction, that prohibits these three lots from each having their individual access on to lawsuit lane, and that's important, obviously, for safety reason. You need to have enough driveway space, ohing spacing. Instead two of the lots get access from access easement along the back of the property that was dedicated by the plat. Here is one of the buildings. This is a two-story building. As you can see, it looks like a residence and that's because it was a model home, and a sales office for the home builder in this subdivision back in the mid mid ate he's. My clients bought the property in 1987 and have been using it as multi-tenant office for 21 years and they still own it and still use it the same way. Here is a view from slaughter lane from the property. You can see it's very wooded. Here is another picture showing the wooded nature and success he the driveway and parking along the back. Now, that's about as intense during the day as you'll see the parking along the back. Now, -- and here's another view of the parking along the back and this is the driveway along the existing easement. These pictures as you can see, they were taken on 50 and the reason I included them is I wanted you to see, you know, what happens after 00 on this piece of property, and that's -- there is no parking there. There's no activity. It's quiet. We've got offices and small business owners that are, you know, just -- they go home, like everybody else, at 5:30, 6:00. So, you know, when it's dark the neighbors don't have business activities going on in the back. This also gives you -- this is the fence that you may hear something about. There's a picture of the fence. You see it's up, it's working and it's a privacy fence. It's been there for a very, very long time. This is a site plan that shows you the property, and you can see the access easement that goes across the back. The access easement has become important in our discussion with the neighborhoods in this case because the access easement actually goes on a portion of the property along the back. But it -- it's within the easement. So -- and that easement has been there since the mid-80s and it's been there since before any of the current owners moved there. In fact, this property has been in this configuration since 1987. It's got the existing easement. It's been used commercially, all that since before the current owners were there. This is the plat, again, and these -- here you can kind of see the easement that runs along the back. This is some of the history that we've already talked about, and on december 31, 1997 that second bullet point there, the property was annexed. So after the -- my client had owned the property for ten years the city came along and annexed it and they zoned it sf-2, even though it had been used as commercial office building for ten years. At the time that it was annexed we had several commercial tenants. We looked at our rent rolls on december 31, 199/. We had a. We had a doctor there, a talent agency, a driving school, and then we had an insurance office and some other offices, so at the time that it was annexed we actually had the equivalent of gr uses going on at the time of annexation. Our proposal is obviously not for gr. Our proposal is for go and some of the uses like talent agency and the driving school that were there when the property was annexed would not be allowed by this proposed zoning. Here is the list of sort of the historic tenants. We've had everything from doctors, lawyers, real estate agents, you know, churches,

you name it, small business, a person hanging their shingle out in austin. That's the type of tenants we've had. And frankly, that type of tenant likes this facility. These are folks that don't want to go into a strip center, maybe not into an office building. We have a lot of start-up companies that come and are not looking for necessary long-term leases but are looking for something they can afford that's in a good location. Is that my 15 minutes? I'm sorry. Here are our current tenants, and you can see who's there, and the speak freely is a speech therapist -- speech pathologist who operates a speech therapist. That's a -- speech therapist, it's a medical office. That's one of the reasons we need lo zoning and the reason we need go is because we have a hair salon, a beautiful new hair salon. The medical office, it has been used in the past as medical office. In fact, when we were annexed there was a doctor in there at the time, sam bennett had also had his medical offices there for four years during the history of this site. There is a dentist across the street, and certainly there is -- you see orthodontist office along slaughter lane as well. Here's a picture of the hair salon. You can see it's not a big hair salon. It's just -- we have the hair salon proprietor here. It's very low intensity. This is the -- a picture of the speech therapist and occupational therapist at speak freely and they're here to talk to you about what they do as well. Justifications for the zoning. Again, we're basically asking for lo zoning, which is your -- your code will tell you is appropriate adjacent to single-family neighborhoods. It's absolutely appropriate. In fact, we see it all the time in situations like this where you have houses that are along what used to be country lanes and are now major arterials. That's -- we see that happen a lot. The hair salon and the speech therapist are not protected by our nonconforming use status, and so the zoning is needed to allow those uses to continue. And as greg mentioned, staff is recommending lo-co and zoning and platting commission anonymously recommended lo-co. Pictures of traffic onslaught lane. You know this very well. Here is some similar slaughter lane sights just to the west of us. You can see lo zoning. You can see orthodontist zoning. You can see lr zoning. And that's just to the west of us. And a similar situation where you've got wrawz that were converted to office when the road came in and they've got some single-family as well. One of those uses is this particular use. It too has parking in the back that abuts a neighborhood. It's got I think quite a bit more parking than our site again to the east of slaughter lane you have similar zoning. You have lo zoning. You've got a hair salon, you've got realtor, day care and this is something that occurs frequently in the city, whether it be on koenig or william canon or slaughter or what have you. Now, we spent several months working with the neighborhood trying to negotiate an agreement, and the issue that came up was that portion of our easement that is on their property, what we call the ten feet problem is -- the ten feet portion of the access easement that was in that original plat that we used, have been used for 21 years, we were very close to an agreement with the neighborhood, and it broke down basically over some of the practical issues of implementing releasing that ten feet to them. But if the ten feet issue had been solved there was no problem or objection to our zoning. In fact, our agreement called for them to support the zoning we're requesting tonight, but we just couldn't get there over the ten feet. Now, about that ten feet, if we were to have given that ten feet up, essentially that would have benefited primarily one neighbor, who had the bulk of our -- the bulk of our site is on his lot. One of the other neighbors that has a substantial -- that backs up substantially to our property actually uses the easement, and so the way that this would have worked out, because the next door neighbor also uses that easement, we would not -- even if we had given up our rights to this ten feet we could not have stopped that next door neighbor from using the easement, so giving up the ten feet would not have resulted in this ten feet being in the neighbor's backyard, and it would have disrupted

our access. It would have caused all sorts of permitting and expensive construction and we didn't see that it was necessarily an ideal solution, especially given where the landowner to the back wouldn't even get to add that to their backyard. So in summary, I think that this zoning is consistent with your city's practice in recommending zonings of this type. I think it's been recommended by staff. It's been recommended by the zoning and platting commission. We have the support of our neighbor to the west, which is a residential treatment center that supported that. We've got -- there's a letter in your backup to that effect. We have the support of a neighbor to the east as well and we have a letter of support, which I think was sent to to you on september 10 from the slaughter lane association supporting this. We think this is a good use. It's been going on for 21 years and it's been -- and we just ask that you zone it in a reasonable manner, and I think if you do so the zoning we propose will be consistent and compatible with the neighborhood. If you have any questions I'll be happy to answer them at this time. thank you, mr. howard.

Thank you. questions for the agent, council? Council member cole. I'm sorry, howard, I didn't catch which tenant you said that you needed the go for?

It was for the hair salon tenant. I thought the hair salon tenant needed the co -- I mean, the lo.

No, the lo we need for -- we have a speech therapist. That's a medical office. And so that was what the lo -- the basic difference between lo and no is medical office. So the lo will help us keep the speech therapist. The go we need for the hair salon because go is the lowest zoning you can have and still have a personal services use.

Cole: okay. Thanks.

Thank you. further questions? Council member leffingwell? the co that was recommended by the zoning and platting commission I believe as a restriction on impervious cover?

Yes, sir, it is. and it restricts you to the existing impervious cover, which you would be restricted to anyway because the land development code is going to enforce that.

Yes, sir. because -- I'm sure it would be -- if you chose to redevelop it you could either redevelop under the redevelopment ordinance, which would restrict you to the same impervious cover. So -- so you got a zoning restriction and a land development code, so you got a double restriction on impervious cover.

That's correct. Thank you very much. thank you, mr. howard. Excuse me. So our next speaker is heidi armendares. Sorry if I mispronounce that heidi, you'll have three minutes to be followed by christine gary had han.

Hi, mayor, members of the council. I'm heidi. I'm the owner of speak freely, circle oaks business park. I would like to request that the council approve the rezoning application placed by the business park. I am a licensed speech pathologist serving the pediatric population from birth to 18 years. I'm licensed to work with medically needy children and all areas of speech and language. However my specialty area is

working with children that have feeding difficulties. I work on getting kids off of g tubes and back to eating or also not having the risk of choking. Based on the feedback from the doctors, schools and my clients and the community, my office is critical to the south austin area. I'm one of the few facilities located in that area. The nearest in austin is on ben white, and the nearest in hays county is in buda. So I'm one of also the only medicaid facilities that provide speech services, which is very hard to find in austin. I selected my location very carefully, and I chose the business park because of its home-like feeling. My families feel at ease at this location and there's so little traffic that the occupational therapist that I work with can actually use the parking area to teach bicycle skills to our clients, which is really nice to see. In conclusion, if the zoning request is not approved the council would be eliminating critical medical services from south austin, which would then require the families to drive further into town to seek services or all the way to hays county. thank you, heidi. Questions for her? Thank you, ma'am. Our next speaker is christine gararad. Sorry.

My name is christine, and I'm an occupational therapist who shares space with heidi who just spoke. Like she does, I am also a provider for pediatric clients. I've been practicing for 18 years. I'm licensed by the state of texz and certified by my national professional organization. I work with kids who have cerebral palsy, down's syndrome, autism spectrum disorder, adhd or sensory processing problems. I work with kids that have trouble with fine motor or gross motor coordination, self-care and dressing skills, issues in self-regulation, ability to tolerate frustration [indiscernible] teaching in class, maneuver the social situations with their peers, and as heidi said, our current location makes it a lot easier for the clients in that area to access these really important services without undue commutes to other loaks. And I think -- locations. I think everyone is in agreement that all families nowadays are very short on time, and especially if you add the fact of families that have special needs kids, their time constraints are even often greater than just another family that may not have these same needs. So I'm hoping that you guys will find in favor of the rezoning because it's really beneficial to our clients in so many important ways, and this location is imperative, I think, to making that convenient for them. So I'm hoping that you'll find in favor of this. Thank you. thank you, christine. Our next speaker is cart -- curt ethka. Sorry if I mispronounced that, curt. I'm not going to be able to hear you unless you speak into a microphone, sorry.

Okay. My name is curt stefca and I'm the managing partner for jps investors which is the owner of the three buildings that we're talking about. I'm kind of here just to talk a little bit about the history of the property. We've been there for 21 years. It's always been used as a commercial use, from day one. As of december 31 of 1997 we were annexed into the city, and at that time for my rent rolls and whatever, we were donna hood smith, capital city driving school and jb talent agency, which was advised to us was jr. We filed for an application for rezoning in 1998 during the period where the fees were waved and asked for a gr zoning at that time. Due to some other then what was the mud district was in the lawsuit with the neighbor down the road and it was obviously not the time to try to go through a rezoning process, so we pulled back that zoning at that point. So part of where I'm coming from is that we are actually asking for less zoning than what we've operated in for 21 years. And we have worked extensively with the neighborhood -- not the neighborhood, with two neighbors, mike and steve schriber, to the extent with coming up with agreement, and this has all been stemmed around this issue about the ten feet. The ten feet has -- as jeff howard put, it's the ten feet problem. The two neighbors want ten feet

of their access that they -- and -- an access easement that their property is next to that they're not entitled to get, and we spent thousands of dollars in attorneys', zoning and engineering, whatever, to figure out that they cannot use the ten feet to block our access and block my neighbor's access. To the - to the extent that an agreement was made, the agreement was sitting on their attorney's desk for the final changes. Their attorney made the final changes and they failed to come in and sign it, to the tune of \$15,000 and attorneys' fees trying to make this thing happen. I don't mean to bring light to the cost of it, but we are definitely not a trammell crow endeavor development company. We are a quiet little office sitting onslaught lane that has 44, 4500 square feet. So we feel we've done everything we possibly can to try to meet the neighbors' needs to building -- is that me? I'm done? time has expired. You may take a few seconds to complete.

I'm sorry? your are time has expired. If you take a few seconds --

to the extent I was talking with chris wool, who is the neighbors that uses the access for his property use just last tuesday night. The -- just on a bumper stickerrer -- just to conclude.

I'm having a difficult time and some of my tenants are having a difficult time at the way they have leveraged zoning complications to us. If we give them the ten feet they never had a problem with what we do there. They told us that directly. If we give them the ten feet, they'll endorse the zoning. If we don't give the ten feet they're going to fight it. thank you, mr. stefca. Our next spea zena. Thank you. You too will have three minutes to be followed by philip doak.

Good evening mayor and members of the council member. I've I'm a hairdresser. I have regular long-term clients from the neighborhood. They come to me. They get their hair done, they leave. They don't linger around. They're not just men and women that come in. They're families. They're my family. Bottom line I'm a small business owner, just trying to make a living. I'd like to think of myself as the neighborhood hair hairdresser. I've served my clients in this neighborhood and they depend on me being close by. I have one client who is 96 years old and she can't travel very far. She enjoys the fact that I'm close by, so please, I ask that you vote in favor of the zoning so I can continue to serve my clients in their neighborhood. Thank you. thank you, ms. simms. Philip doak? Welcome, mr. doak. You too will have three minutes.

Mayor, council, thank you for your time tonight. My name is philip doak. I have property to the east of these three lots, 3105 slaughter lane. I run a small insurance agency for the last 14 years. Same type of a property. I've known the neighbors for 14 years. They've been excellent neighbors. We get along. I have no complaints. Slaughter has become a busier street, seems to be the proper use for these properties. And one thing that I have is the access on the back that they talk about the ten feet. If that goes away, I'm completely landlocked. So -- I'm in favor of the proposal change. That's all I have. thank you, mr. doak.

Thank you. council, that's all the folks that signed up wishing to speak in favor of this zoning case. We have three folks signed up wishing to speak in opposition. First is mike schriber. Mike or steve schriber?

Can you speak into the microphone?

Allison gardner. I signed up as representative of -- well, you're welcome to speak. You're not on the system -- go ahead and address this.

Thank you. There are two primary issues that we have with this request. One is condoning illegal nonconforming uses and the second is compatibility. It's our recollection that when these two started up, there was a powerpoint -- there was a -- an attorney's office in one building and a real estate office and an insurance company in another building. As the years have gone on the increase in use has become a nuisance. There are currently eight businesses running out of 4,000 square feet, and you can see 3107 slaughter, that's the one that initially had an attorney's office in it and 3109 had a real estate company and an insurance company. Over time the misuse of the property, and we believe the access easement has really caused there to be some -- some differences of opinion between the neighboring property owners and the businesses, and it's come to a matter of being a good neighbor, whether it's one neighbor or three neighbors or ten neighbors, it's a matter of being a good neighbor. In terms of compatibility, along slaughter lane this property sits between birdie and manchaca. There is -- this tract - - these three tracts in particular were initially part of tanglewood forest, which is now split by slaughter. All of the properties to the south of slaughter to two properties west of these three properties, all the way almost to manchaca, it's about a single -- it's about a mile long continuous tract that is zoned as sf-3 or more restrictive. This will be the first commercial type zoning that will be granted on this mild continuous -- this continuous line of zoning that you have. And so I would ask the council in making their decision tonight, do so with the idea that this won't be the last along this line that comes to you for commercial zoning. It's our belief that these properties have been operating more of an no use and they can continue to operate that no use under a legal nonconforming. To condone their use as a legal business right now i think sends a message to other people that have illegal nonconforming or legal. They may be thinking now that they can start incorporating illegal uses and later come to council and ask for mercy and for acceptance of their zoning. With respect to compatibility, we think that they can continue to operate legal nonconforming with the business and personal services and medical office. The ladies that run those businesses are nice ladies and we're not contesting that they don't do a good job and provide a service, but this is an area especially given the access and the limited parking, that is more designed towards no type uses, not medical, not personal services that generate more business and more clients. Just briefly to touch upon the ten feet of access, the red line that you see here, to the right of that is sf-3 property. We have a problem with them continuing to use sf-3 property to access commercial properties, and i think this is a very unique situation and a very unique property because of this. And because of this I don't think this property is geared towards an no or an lo medical/personal service type use. Thank you.

Mayor wynn: thank you. Also steve or mike schriber? Both are signed up. You both are welcome to speak, three minutes each. Welcome.

Good evening, mayor, good evening council members. My name is steve schriber. I am a homeowner directly behind the property they're trying to rezoning. I would like to express my concern about zoning request and how I feel. It is not compatible with the neighborhood where they conduct business. When I

purchased my home in 1990 jps was using the homes they purchased as offices. They have created a business model of leasing by the room to just about anyone that wanted a place to run a business. The quantity and many types of businesses they have been leasing are not compatible within our neighborhood. The traffic safety and property damage due to high volume traffic, confined parking in the rear of the properties are among the issues we voiced to jps over the years and unfortunately it forced the neighborhood to hire legal services in an attempt to resolve the problems jps created but refused to address or attempt to correct. Jps is here today not because they want to rezone for new businesses. They are here today because of legal action that was taken after jps ignored the city zoning enforcement efforts which caused the department to turn the case over to the city's legal department. Over the past ten years there have been approximately 48 businesses that have come and gone through these properties held by jps. An attempt may be made to justify zoning requested as to the types of businesses that have operated in the past and present. I look at this as a list of -- as a bold showing of what they have gotten away with while using nonconforming status. This list is ten years of references to the number of zoning violations jps has gotten away with until recently when zoning enforcement finally decided to investigate the many complaints they have received for the past few years. The neighborhood does not feel jps should be rewarded with higher zoning level other than nonconforming just because they can prove these operated this business during the nonconforming years and got away with it. I do not think this is the kind of message we want to send to the small business here in the city. The neighbors have asked for a small setback in an attempt to solve the problem of our fences being used as guardrails for the parking lot access. This recommendation to us was -- their premtion recommendation to us was noof move the fences back. This is the cooperation we received from jps. Should I be a good neighbor and allow them to use more of my property for their access? They continue to come up with reasons they should not do anything, and they'll sit here in front of you today and request that you give them a level of zoning that would make their business legal without considering or fixing one single problem that their business model has created in our neighborhood. They have tried to compare their properties to the ones to the west of them. I say there's no comparison. These homes to the west are on much bigger lots. They operate in the confines of their own property. The property neighbors -- they provide neighbors with a setback from their property line. They only operate one to two businesses per home and the homes are not in a subdivision. I have lived in my home for 18 years and I can tell you firsthand that our property damage has increased, safety concerns have been raised due to the through traffic and we are concerned about the property values. Jps is totally disregarded -- has disregard for our property damage and safety concerns. I ask you -- I'll move to the very end now. As I conclude here tonight i would like to share one thought with you that i received from my neighbors, and I believe allison, our attorney, also mentioned it and quite simply it's all about being good neighbors. It's really as simple as that. And I don't feel that we should allow them to operate other than nonconforming at this point. Thank you for your time. thank you, mr. schriber.

And again if I may, one moment, about the last speaker that said they were landlocked, could we put that one photo up with the property? you might need to have the other schriber take up his time to do that.

I just wanted to show you the curb cut he's got on his property from slaughter lane. combined you have

another three minutes. You're welcome to use them. I'm just suggesting you take it out of --

good evening, mayor, council members. My name is mike schriber. I'm a homeowner located directly behind the properties that are requesting rezoning. The property owners behind jps have lived in their homes for 16-plus years, we were annexed in '97 and in '98 jps filed for rezoning. Because of the activities we started to witness from their properties, a petition was filed. Jps only made it [indiscernible] before withdrawing their application. Zap asked jps to work things out with the neighbors. We had a few discussions but it appeared jps didn't want to deal with the neighborhood. We feel this is why they withdrew their application and continued operating under nonconforming use. We have seen many businesses come and go. Over the past several years we've contacted zoning enforcement only to be told they were operating under nonconforming use. We were not accepting their business practices. Just no one from zoning enforcement was willing to investigate. After the second driving school moved in we decided to hire an attorney. In july of '07 I was informed that all their businesses were running -- that all their businesses except the real estate business are violating their nonconforming use. Jps was given ample time to correct their violations but they ignored zoning enforcement so their violations were forwarded to the city legal system. This is the same way jps has treated us over the years. If we don't do anything maybe the problem will go away. It has taken us a long time to get here so I'm asking city council to please restrict their uses to single-family or legal nonconforming, as we feel this is a more reasonable fit for our neighborhood. We would request that they no longer park behind their homes without a setback in place as this would help prevent our fences from being damaged. Jps approached me about an agreement. We realize this is only a ploy to secure neighborhood support for their cause. We declined the agreement because the go zoning they are requesting is too high and we feel it's not compatible with the neighborhood. Go zoning will not resolve a single one of our issues, which is the property damage, our safety concerns and property values. As my brother said, jps's business model maximizes their space by renting by the room. We feel this has created many issues over the years. Their past businesses have increased traffic, caused property damage to our fences, loitering and it can be disruptive during the night. They have industrialized our neighborhood. Whenever jps was confronted by neighbors they offered no restlations and our concerned fell on deaf ears. Jps told us they knew what we bought when we purchased our homes, but I say jps knew what they bought when they purchased model homes in a neighborhood with the intent of running businesses. There is no justification for how they have operated over the past ten years. They have 30-plus real estate experience -- 30 plus years real estate experience and they know exactly what they have been doing. When confronted they were deceptive and claimed nonconforming use. We have a chance to fix this and we don't feel rewarding them with inappropriate zoning is the solution. The request for go zoning is only gg to make their illegal businesses legal with complete disregard for the neighborhood. And in conclusion I'd just like to say, please, let's do the right thing and either zone them single-family or let them continue operating under nonconforming use. Thank you. thank you, mike. schriber, council? Our last speaker in opposition is chris wolf. wolf, you too will have three minutes.

Mayor, council members, thank you for allowing me this time to speak. I'm not here today to directly oppose any commercial zoning for the proposed circle oaks business park since it has been used for commercial purposes during the last 15 years that I've lived directly behind the properties. There are, however, some concerns I'd like to share with you. I'm trying to raise my young children in the best

environment which I can provide, which is my greatest incentive for speaking to you today. My backyard is separated from the jps property only by my six foot wood privacy fence with no setbacks or any other type of barriers, just as it is for my other neighbors. Over the past several years I have witnessed much more business traffic with many more cars, businesses operating which bring potentially harmful materials or chemicals literally into my backyard, and business being conducted into the evening hours, at which time I'd like to have a little rest. I feel that it is unacceptable to have any business that regularly brings any type of chemicals or drugs in such close proximity to my family. The speech therapist, which is currently operating on the site is of no great concern to me but there are many other types of medical services which I feel are not appropriate for the location. Additionally, I've seen reports that thieves will target these types of businesses for drugs and other items that they stock. There was recently a pest control company doing business from the property. The managing partner of jps assured me that there were no chemicals being stored on the property. However, there were usually service trucks on the property, presumably with chemicals on board. The parking area would be full with them at times. I feel that jps leasing the property to this type of business exemplifies their disregard for the residents around them. As of earlier this month the pest control company relocated. As I mentioned earlier, there is a shared access on the property. I utilize this access a couple times a week. At times I have had difficulty with ingress and egress due to vehicles parked on the access. When I politely asked the tenants to move their vehicles and explained that they were in an access way, the typical reply would be that they were told they could park wherever they want. Several times I have asked the managing partner of jps to please mark the access so that vehicles would not impede my way. My request has always been ignored until last month when the final parking space that is located in the access was marked for no parking, with orange safety cones. Seems a little temporary. My opinion is that there has been inadequate parking for the number of and/or types of businesses jps has operated in the past. I have met with the managing partner of jps numerous times over the past month. Strides have been made. As jps is operating today seems to be much more acceptable. No pest control company, no blocked access, less traffic and quiet evenings. It is my fear, however, that if jps is granted less restrictive zoning, those strides will be discarded and they will be back to testing their limits. Until recently my concerns have been ignored by jps, which leads me to distrust their intent, their undertaking for compatibility is new. Is this just a show for you and the zoning process? I sincerely hope not. I presume my fears are shared by the other residents since almost 100% of the eligible non-commercial property owners are petitioning. Council members, it is my request that you zone appropriately so that businesses conducted during customary business hours, there is a reasonable number of tenants allowed for the facilities available, and so that no drugs or other harmful materials can be brought on to the property other than what would be found in the typical residence. Thank you again for allowing me to speak. thank you, mr. wolf. Council, that concludes the folks that signed up in opposition of this zoning case. By code we then allow the applicant for agent a one three-minute rebuttal. Welcome back, mr. howard.

Thank you very much, mayor. Jeff howard for the applicant. gardner wolf and I thought wolf's presentation was very well stated and we appreciate his concerns. The sort of tit for tat that you heard from the brothers about past use is something that was exactly heard by the zoning and platting commission. We've been there, been over that history and the zoning and platting commission

anonymously recommended in spite of that and we're prepared if you like to answer every one of what i think frankly was spin about -- and I think a fact check was to look at it, if they were, they'd probably call some of those complaints misleading. But we're prepared to talk about all that, what happened in the past all night, if lieuld like you'd like, but we're here to talk about what's proposed and what's currently being used. Its use is not a nuisance. It's been used as a multi-tenant office building for 21 years, ten years and not subject to any zoning regulations. When the neighbors moved in it was in the e.t.j. There were no zoning regulations. Now it's a multi-tenant office building. Tenants come and go. And the problem with legal nonconforming use is it establishes a window, a snapshot on december 31, 1997, that says that's your legal nonconforming use. At that time we were gr. It so happens that over time some of those gr uses have moved out, more other uses have moved in. That's the nature of a multi-tenant office serving small businesses. gardner mentioned sf-3 for the mile and a half down slaughter lane. Those haven't been used for the last 20 years as a commercial office. And ignore all the properties to the west that are zoned lo. The first complaint that we received about the use was in 2007 from the neighbors. So they make this sound like they've come to us year after year after year with these concerns. Twawnt until 2007 we got concerns about the driving school. The driving school was asked to leave by before their lease expired. Exterminating service, same thing. Before their lease was expired we asked them to leave and they left. Some of the other comments about why the agreement was not assigned, the agreement -- we negotiated a multi- -- two documents, multipage, had full support -- or agreement by -- as to the form by their lawyer. Everything was agreed upon, and it broke down over how we resolve this ten feet issue. That's the truth. I was there. I was part of those discussions. Ms. gardner was as well. Now, the businesses that wolf described about evening hours, about chemicals, about traffic, about nuisance, those businesses are gone, and this zoning won't let them come back. This zoning will not allow a driving school that was the source of the problems. It will not allow the exterminating service. Those -- by taking action tonight, you don't have to decide the dispute between the neighbors and jps. But you will -- by your action tonight, zone this with a compatible use that will allow small businesses to be at this location. I will answer any questions you have, and we can go into the history over the last 20 years and we have answers and ability to refute everything they've said about that and would be happy to do so if that's your desire. Thank you. thank you, mr. howard. Questions of the agent, council? Or anybody else for that matter? Council member leffingwell? are there any lo zoning uses in the building now except for the hair salon?

The hair salon would be a go use. The lo use is the speech therapist and occupational --

yeah, but I mean, aside from the hair salon all of the uses now there are there are lo uses; is that right?

Correct. Correct. now, if the zoning were changed to lo, would the hair salon be nonconforming or would it have to go?

It would have to go.

Leffingwell: thank you. council member cole? yes, I have a quick question for mr. guernsey. I'm sorry, I didn't know if anybody else had a question for the applicant. I thought -- no, we -- anybody. Anybody

talk to mr. howard? I have a quick question for mr. guernsey.

Mayor wynn: mr. guernsey? we've had a lot of testimony about the easement issues, but can you clarify -- I don't think the easement issue is before us in any proper form now, or its outcome determinative of the zoning classification that we give. Is that correct?

Guernsey: that's correct. Whether you act upon the case this evening favorably or unfavorably, the easement would remain and would carry on, because it was created at the time of the subdivision plat. So this zoning would not have a direct impact on the easement staying or leaving.

Cole: okay. And there's been a request for a go with lo uses, and i know that the planning commission recommended lo, but it's my understanding that the hair salon and the -- want all of the current tenants to be able to remain in conforming use we would have to do a go with lo uses, is that correct?

You could do a -- go would allow the hair salon and the personal service. They did allow the -- zoning and platting commission recommendation was actually lo allowing medical office under 5,000 square feet. That would take in the medical office, the speech therapist that you heard earlier and all other no uses. And so if you were to modify the zoning and platting commission's recommendation, if you want to allow the hair salon, you could take go with a conditional overlay, and that would allow the medical office, less than 5,000 square feet, personal services, and then allow all no uses, and that would address the two uses that would require the lo zoning or the go zoning, and then it would be closer to what the planning -- or the zoning and platting commission's recommendation would be. You could simply do lo too, but if you're trying to choose something closer with the zoning and platting commission, it would simply be go with those additional restrictions. I'm trying to achieve the results of letting all the current tenants remain, so I think what I want to do is do a go with the conditional overlay allowing for lo uses, including the personal services. that would achieve that. It would be a little bit more intense than what the zoning and platting commission, but it would allow for all the uses that jeff howard has described, the owners.

Cole, mayor, I'm prepared to make a motion. I would like to move that we adopt go zoning with a co with lo uses for the personal services, for the hair salon.

Second. motion by council members coal to close the public hearing and approve on all three readings.

Only ready for first reading, ordinance prepared. approve on first reading only, lo --

go with the conditional overlay for only lo uses, including the personal service hair salon. I just want to make it clear what I think it's doing. guernsey, do you understand that? I understand it. Can I just ask for one clarification? The staff recommendation had restrictions on access, and and the zoning and platting commission also had a limitation on impervious cover, and I'm not sure -- the zoning and platting commission limited to the existing impervious cover 6% impervious cover. Part of the staff recommendation also limited the number 6 of driveways to slaughter to be only one and to prohibit access to row shell drive which is a residential street that leads into the neighborhood further to the

east. And I don't believe howard's clients objected to those two restrictions on access or the impervious cover. rusthoven and my staff handed me the ordinance and indicated that we could do three readings tonight with the deviations that are specified, because I think they are clarified. I'm looking at our attorney, tom knuckles, he would be in agreement that we could make some adjustments to this ordinance, if that's the council's desire. This ordinance does include the access limitations and the impervious cover limitation that were recommended by the zoning and platting commission that howard has indicated no objection to. I have no objections to the staff and planning commission recommendation.

Those portions for impervious cover.

Cole: impervious cover. we have a modified motion and second from council member cole and mayor pro tem closing the public hearing and approving on first reading only for the stipulations guernsey helped us identify.

Mayor, like I said, we could do three readings if the council so desired for go, co, with lo uses, impervious cover limited to 6%, the access limitations that I had indicated earlier, but i also note there is a valid petition so it would require a super majority vote to approve this on all three readings. mayor, I would move that we go on all three readings. motion and sec, item 129, all three readings. Just a clarification, guernsey, so acquiring affirmative votes over the valid petition, our practice has been -- with legal advice all these years, that on first -- first and second reading it only requires a simple majority of four but at third it requires the full super majority of six. If there is a motion and a second on the table on all three readings and say there are only four or five affirmative votes is it considered passing on first reading?

Correct. That's the historical practice of the council.

Okay. so we have a motion and second on the table to approve on all three readings, item 129. Council member leffingwell? where is the nearest compatible zoning to go? I don't see any on this side of slaughter. I don't see any go.

I think the closest zoning that you would have [one moment, please, for] owe.

Leffingwell: I know the staff recommendation was for and that is I believe with the zoning? is compatible with the other land use and compatible with what the council has granted down the street.

Leffingwell: Could ski if you would accept a friendly amendment to make it first reading only?

Cole: is only for personal service uses, is that correct?

It would allow only that type of use uses, which would include the medical uses and other types of offices. uses, plus one. Which is the personal service.

Leffingwell: I would withdraw my proposed friendly amendment.

Mayor Wynn: We have a motion and a second on the table, all three readings, item number 29, councilmember morrison.

Morrison: I want to make a few comment about what -- how I perceive what the situation is here howard mentioned that having nonconforming uses as your legal uses is frustrating because it's a snapshot in time. But really fundamentally when you get nonconforming uses, what I understand it to be really about is that you're being given the rights to keep doing what you're doing, but the city's goal of the zoning and uses is to go back to what they are zoning it. So it was zoned sf-2 and the folks were allowed to continue what they were doing, but the whole point was the city's goal with their zoning was to bring it finally eventually back you. The viability of that property is commercial property because the goal to get back to sf-2. So I have concerns, a lot of concerns about going ahead and saying oh, it's a snapshot in time. It was gr. It was never gr from my speaker spect active. It was supposed to be sf 2. Thes were to be allowed to continue under very limited circumstances. That's what nonconforming use status really is. And I know there's discussion about the 10-foot easement and that that's not under our control or in front of us, but thank the 10-foot easement really is indicative of why it really needs to revert to sf-2 and how difficult the compatibility challenges are there because there's a 10-foot easement, there is access right in their backyard. It's separated by a. But it is right in their backyard. So I have real concerns about this, so I'm wondering if -- I just wish something could be done to just make it what they're doing because it's clearly not compatible right now. I wonder if you might with that explanation accept a friendly amendment to do it on reading only and see if we couldn't get some kind of movement to something that's more compatible because the sense of neighbors is it's not compatible the way it is now and I don't feel that there was ever the city intention to have it be this intense. So that will be my request.

Cole: I think we're in a difficult situation because we sit here week after week and people say we don't act and then at the same time we want to give people more time to kind of work out differences. And so is I don't think I'm going to take your amendment. I want to go on with all three readings because i think the facts are clear and the tenants have been good and the neighbors and the tenants need to work things out with the easement, but I think the items that are before council for now need to go ahead and be acted upon.

Mayor Wynn: We have a motion and a second on the table on item number 129 for all three readings. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of 6 to 1, councilmember morrison voting no. Thank you, mr. guernsey.

Council, let me go on to our next case. This is item 134, this is zoning case number c-14-2008-0128 for the property on 5005 spicewood springs road. This property lies -- would be I guess south of capital of texas highway loop 360 and west of spicewood springs road on that very steep portion of spicewood springs road that drops down to capital of texas highway. It is located in the bull creek wastewater and the zoning request is from single-family residence standard lot or sf-2 district zoning to lo-m limited office mixed use zoning. The zoning and platting commission recommendation on this particular case

was to deny the request for rezoning. Staff recommendation was to approve it with a trip limitation of 2,000 trips per day. The property is currently an unplatted and that is undeveloped. And this segment of spicewood springs road between capital of texas highway and mesa drive has gone through lots of transformations through the years, creating the lo district zoning. It is a very long and narrow lot as you can see on the exhibit that's on the screen. The property is currently vac. No the north there's a residential p.u.d. To the south there's an sf-2 and some development of land. Further to the east is some undeveloped lands and to the west is pud zoning and multi-family. Further down to the south are some offices. This would be actually going up the hill on spicewood springs road. The site has numerous slopes on it, and it is constrained by these slopes. It would be probably a challenge to do some development of any great intensity. I think that was part of the reasons why the zoning and platting commission thought that residential would be appropriate.

My name is holland whiler here on behalf of the owner. I have submitted a package to all you guys, all the information. I'm here to answer any questions that you would have tonight.

Mayor Wynn: Trying to curry favor with the council. whiler, council? Comments? Perhaps we'll here from some opposition and we might have some other questions for you in a few minutes.

I'll make one comment and then I'll leave. When I went to the planning and zoning, we submitted all the information and the basic reason they denied it is they didn't want to approve it because somebody had lived in the neighborhood before. I asked could I at least have the opportunity to site plan it. I give them the engineer's, I give them all the site plans, all the maps, said can we at least be heard? We're limited per our engineer to 11,500-foot of impervious cover on 2.5 acres of land. We have a small building pad that we can put up by the road and an access driveway. We're looking to do a combination if we can, office and single-family residence like a combination condo office use. That's what we're asking.

Mayor Wynn: Thank you, mr. whiler. We might have questions for you and you will get a chance to rebut anything you might hear. Let's see, so council we do have one person that's signed up wishing to express opposition. That's laslow herzog. Welcome. You will have three minutes. My name is laslow herzog. And this was denied twice for the zoning request. I was going to try to into three minutes why it was denied. First of all, this is not compatible with the other zoned properties. As you can see in the attached zoning, the yellow one is sf-2, the green ones are sf-3 zoned properties. That's the first reason. The second reason is the slopes and the environmental concerns and the drainage issues, sylvia pope with the watershed protection department had the presentation at the last meeting and according to her statement this property is in the edward's aquifer recharge zone. I'm to actually present you here about the slope information. The property is about 900 feet long and 100 feet wide. It drops about 60 feet and along the length it drops 140 feet. So if you imagine in your mind's you make one step and you're down about half a foot. This property is so steep that according to their engineer, in the upland zone, which is that portion of the property which is outside of the creek critical water protection area, there's only .072 acres can be developed without a variance. That means only one thousand square foot can be built on the remaining area of this property. So the issue with this case is that essentially it could cause variances that is unprecedented understand this environmentally sensitive area. Again, I'm not going through burns too much, but essentially it doesn't make sense because with the commercial zoning, the

third reason a why I'm opposed to it is it doesn't make any sense for this parcel to be so narrow. With the commercial zoning the setbacks would be 25-foot for commercial set back and 25-foot for a building over 35 feet. That means that they would have certainly no building footprint remaining in this area. So what they are asking for is not really possible. I think my recommendation would be to grant them sf-3 zoning, which would bring it in line with the green areas that I showed you in the first picture, but beyond that I don't think that the sensitive area could support a more intensive zoning category. Be my presentation for you guys. Thank you very much. I would be available to answer questions.

Mayor Wynn: Thank you. Questions for lazlow, council? If not, then holland, you get a chance, three minutes either rebuttal or additional information our consideration.

The numbers that he's -- I have given you guys copies of my engineer's report that we hired. And I tabbed it for you. According to the irn -- according to the engineer there's 11,500-foot that's buildable on the property. I asked him at the meeting if he was an engineer and where he got his number and he couldn't tell me. Secondly, on the maps that i have provided you of the subject property, on the last one I have given you what the zoning is around us per the city of austin. I've taken it directly off the website. Again, I don't know where this is, but you can look at that. I also have included from the city, here is the recharge zone that we're talking about off of the city maps and here's our existing properties. And here is the other map from the city showing the recharge zone and how the engineer has said we are close, but we're not on the recharge. If you have any questions, I'll be happy to answer them.

Mayor Wynn: Questions for the agent, council? Comments? Motions? guernsey, if you could -- I just wanted to confirm, staff did recommend the commercial zoning?

That's correct. Staff recommended the -mu zoning with a 2,000 trip limitation. The zoning and platting commission recommended to deny the request and leave the property under its current designation of sf-2.

Mayor Wynn: Comments, council? Councilmember morrison.

Morrison: I did speak with my zap commissioner on this issue and they had recommended to deny it. And as I understand it, it was based on their real concern about its proximity to the recharge zone. They did have a hydrologist come in and talk about that and I think she also mentioned that there were concerns about salamander habitat and somebody from watershed protection came in to talk about that. And then one other issue, the signifi topo challenges there. So with that I would like to move staff ructd. Ructd -- staff recommendation. Zap.

Mayor Wynn: So we have a motion to close the public hearing and approve zap recommendation by councilmember morrison. Motion on the table. It fails for lack of a second. Further comments? Councilmember martinez.

Martinez: Mayor, are we voting on this for just first reading tonight?

That's correct. We do not have an ordinance prepared, so depending on what council approve, we would --

Martinez: If we approve the staff recommendation, greg, and there are environmental variances that have to come back, that will go through the environmental al board and then back council?

And then back to the commission.

Martinez: The planning commission?

It would be the zoning and platting commission that would review those variances. At the time probably platting. If there's further clarification, it may also be at the time of site plan that it may have to come back. Because the land is not platted, it will have to go back zoning and platting commission to be subdivided, there will be engineering reports and there may be variances at the time when they actually have a particular proposal or some sort of building and parking lot. It may require additional variances that may have to be reviewed at the time of site plan. If they're not identified with the plat.

Martinez: Mayor, I will move approval on first reading, staff recommendation.

Second.

Mayor Wynn: So we have a motion by councilmember martinez, seconded by some councilmember shade to close the public hearing and move on first reading. What if any and to what detail would environmental variances be required on this zoning?

We can work with the department and work with -- I know that environmental staff has k walked the property and then review the engineering items that have been presented by mr. holland. We'll get a copy of those and try to give you an idea of what the potential variances may be if any before we bring it back for second and third reading. So you will have some of that information, more detailed information before we do that.

Martinez: I would like to see that. Thank you.

Mayor Wynn: Councilmember leffingwell.

Leffingwell: The property just on the other side from the single-family is zoned pud?

That's correct.

Leffingwell: Can you briefly describe that? It looks like two different pud's or is it the same one?

I don't know the particulars of all of them, but if you go to a developer in court, that's a very large contact tract of land that was identified for pud zoning. There's single-family homes that are detached and there

is a very large conservation area which was actually not owned by the same developer of that pud, and actually was opposed to the development of that pud. I think it was called vista -- vista ridge? Vista ridge pud. So there's a very large conservation easement. As you're going up and down spicewood springs road that's where you get a more different combinations of zoning, but that's pretty much a single-family pud and there's a large ravine, a great difference in topography between the areas of those single-family homes that are associated to that pud and this property.

Leffingwell: Is bull creek near here, one of the tributaries?

Bull creek is very close to this to the north. And it doesn't actually flow through this property, but you are part of this -- part of this property is in the northern edward's aquifer recharge zone but it is a smaller portion of this area.

Leffingwell: According to your maps, this property is not on the northern edward's recharge zone. It's not on any tributaries to bull creek. It's not on bull creek?

Well, it is part of the bull creek watershed, and part of it is in the northern edward's aquifer, but the area identified by watershed staff is a smaller portion of this lot.

Leffingwell: Well, I realize that zoning and land development code restrictions are two different things. I mean, you could have this property zoned cbd and if the slope and for critical and transition zones and so forth, you still couldn't build anything at all. So --

that's a possibility.

Leffingwell: So it looks like the -- what can be built on this property is going to be controlled by the land development code more than it is by zoning. And so I would like to -- if we're going to do this on firsting, I would like to hear more, even though the -- that is a different process, the site development is a different process from the zoning. I would like to know more about what is going to be required before we talk about zoning on the second and third as far as code variances, slope and so forth.

Maybe what I can do is ask represent watershed to come for second and third reading additional to the materials that we would provide you from them and maybe provide a clarification of some of that.

Leffingwell: Yeah. I think this is kind of a special case because it's a different piece of property and it's close to preserved land and just a whole lot of things that are unique about it. So we'll more information on second and third reading.

Mayor Wynn: I agree. Thank you, councilmember. Mayor pro tem.

McCracken: Google maps, I got on there to get the street view, so from looking at the map I thought it was in a different place than it is once I saw the view. It's not on the portion of spicewood springs that's up near the shopping areas on mesa. It's on the downhill slope. So for councilmember councilmember

leffingwell's question, it is directly over bull creek. Getting that context, there is an appropriate area for commercial development and so owe if I had looked at my google maps at the time of councilmember morrison's motion, I would have seconded it, but I can tell you firsthand there are a few reasons why this isn't appropriate. It is directly looking down on bull creek just in that area where bull creek flows in to the part of the creek where city hall's design was created from the boulders that come together that the mayor has a sketch of. And not only that, but it's on that steep portion of spicewood springs. When you crest the hill and go down, it's almost like heart break hill going down to 360. So you have some speed, traffic control issues, and it's just a very special area of this city. Particularly because of its proximity to bull creek. So I don't think it's appropriate for commercial development and I will not support this.

Mayor Wynn: A motion and a second on the table, first reading only, staff recommendation with additional direction to staff, mostly about clarifying potential environmental variances that would be needed should that commercial zoning continue to second and third reading. Further comments on the motion?

Mayor and council, i think the applicant may want to amend their request before you vote.

Here's what I was going to say. Ily wanted to just build single-family condos in that spot with whatever I could put there, whether I could put one, two, three or four the city staff said to do this you could do them both. I will be happy with an sf-of zoning so I could do that single-family. And I do have a flat plateau to build on that is limited. I do have an access driveway and easement beside me that I don't even have to use, but I do have a 30-foot easement behind me that's flat and have a flat plateau to build this up on. So an sf-6 if I could do the condos is really all I'm asking.

Mayor Wynn: Councilmember martinez.

Martinez: I don't think the applicant really knew what he was asking for, and due to that fact and him trying to somehow say that the only reason he's asking for this is because staff told him to do it, I think is inappropriate. You're the property owner. You made the request. I'll withdraw my motion and recommend we adopt zoning and platting commission's recommendation.

Mayor Wynn: So we have an amended motion by councilmember martinez, probably seconded by councilmember morrison as i believe it might have been her original motion. I would like to suggest first reading. I would still like to see some of this analysis by staff regarding the potential environmental variances regardless of use, frankly. But so a motion and a second on the table, councilmember martinez and morrison, first reading only, zap recommendation. Councilmember shade and then leffingwell.

Shade: I would like to echo what you're saying about the need for this additional information. We don't have it. I'm glued you looked at the google maps. I didn't think to do that while sitting up here. We need information to make better decisions.

Cole: And I don't know how to do a google map, so that's not fair. [Laughter]

Mayor Wynn: Councilmember leffingwell and then martinez.

Leffingwell: I was just going to say I'm going to support the new motion from councilmember martinez first reading, but I do think coming back we still need some information on the possible environmental variances. And it may well be that the best zoning considering the environmental characteristics of this lot would be sf-6, which would basically allow the same thing as far as impervious cover, but give more flexibility with regard to clustering housing units on the property. So I would like to be able to be prepared to discuss that option when we come as well as the environmental, but I'll support the motion on first reading.

Mayor Wynn: Councilmember martinez.

Martinez: Mayor, i wanted to clarify that the public hearing stay open so that we can have these discussions and allow the applicant to respond.

Mayor Wynn: Without objection, councilmember morrison, the motion includes not closing the public hearing.

That was for the zoning and platting commission recommendation?

Mayor Wynn: Yes, sir, first reading only.

Their recommendation was to deny, so in essence the case is over. There would not be a need to necessarily bring this back because it already is zoned sf-2. However, if you considered sf-6 zone on first reading, then we could bring back that environmental information and you could consider sf-6 or sf-2 at a later date. Mayor council?

Mayor Wynn: Council, so a further amended motion by councilmember martinez. Let's see if councilmember morrison will second that to approve on first reading only sf-6, again with the earlier council request regarding staff information. Seconded by councilmember morrison.

Leffingwell: Good catch, greg.

Mayor Wynn: Motion and second on the table, first reading only, sf-6 with further staff direction. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of seven to zero. Thank you all.

Mayor and council, our next item is item 135, this is c 814-2008-0016, the dell jewish community center at 7300 hart lane. I understand the applicant and the neighborhood are still discussing this item out in the hallway an seem to be making some progress according to my staff. So I thought maybe if we were to maybe take a couple of items. I know you have a couple of postponement items -- you could do that

and wait for the neighborhood to come back in, the neighborhood leaders and applicant. Certainly it's at your discretion if you want to bring it up now. If you could pause one moment we could bring the people back in, neighborhood representatives and the applicant. It's up to you.

Mayor Wynn: Council, my recommendation is if there's productive conversation going on, I would recommend we simply skip ahead. We have a number of --

the applicant's agent richard suttler is in the room. The neighborhood's attorney is also present so I guess they're all in the room.

Mayor Wynn: If somebody can confirm that there's no constructive discussions going on at this time, we'll commence the. Case.

I'll tell you the situation. A proposal was presented to us with which some very minor changes would dispose of this and we're wait to go hear back from neighborhood as to whether that's that's the status.

Mayor Wynn: Well, folk, the fact of the matter is we have several posted thawms itemsthat have no citizens signed up, some that could be postponed. We could take a number of things off the agenda 60 seconds at a time. And then however many of those 60 second increments the neighborhood and the applicant or property owners need, we'll halt that process at any time. Mr. guernsey?

If that is the council's desire, I will sit back and let what I believe are some consent items starting with public hearing agenda starting with item 136 '. And mayor, I don't know who is signed up or not. I know that 138 is -- 139 is a postponement item, i believe, where the property owner, hyde park baptist church, and the appellants have agreed to postponement. To november.

Mayor Wynn: Of the 12 public hearings, 11 of them have no citizens signed up, whether they're postponements or not. We could go through them and we'll be done with these.

Let's take them in order and then I'll turn it over --

Mayor Wynn: Welcome ms. junie plumb.

You talk faster than I k.

For item both 136 and 137, which are both chapter 26 public hearings, I'll read the legal fact find fog both of those hearings since it's the same in an effort to save some time. But the legal fact finding is that there is no other feasible and prudent alternative to the taking of the scientific area or the parkland and all plan to go minimize harm to these areas has taken place.

Mayor Wynn: Thank you, ms. plumber. Questions of staff, council? Are there any citizens that would like to give us testimony on these two public hearings, 136 and 137 regarding chapter 26 of the texas parks

and wildlife code? Good answer.

Mayor, move to close the public hearing and adopt item 136 and 137.

Mayor Wynn: Motion by councilmember martinez, seconded by councilmember leffingwell to close the public hearing and approve the combined resolutions item 136 and 137. Further comments? Hearing none, all those in favor please say aye. Opposed? Motions pass on a vote of seven to zero.

Thank you.

Mayor Wynn: Public hearing 138. Unless there's some complications because we have no citizens signed up for 138 or 139. Good evening, mayor and council. My name is chuck (indiscernible) with watershed development and review department. Before you tonight are several amendments to or amendment to the development over closed landfills ordinance. This has been through the city's process, been approved the planning commission unanimously. It's recommended also by the environmental board. And what these amendments do is simply bring our -- provide some up to the ordinance to bring it into -- make it consistent with state law. Some of you may remember the closure of the water's bend apartments back in the early 19 90's that were constructed over a former landfill. The state of texas subsequently passed some regulations to regulate development over closed landfills. This ordinance simply requires proof that any developer that is near a closed landfill or over a landfill were of a certain size is in compliance with those state regulations, which are we are very comfortable provide adequate protection for the public from the hazards of development near or over closed landfills. I'll be happy to answer any other questions.

Mayor Wynn: Questions for staff, council? We have no citizens signed up in this public hearing, item 138 regarding these ordinance amending regulations regarding closed landfills. I'll entertain a motion.

Leffingwell: Mayor, I'll move to close the public hearing and adopt the ordinance on 138.

Mayor Wynn: As always we defer to councilmember leffingw landfills, motion to close the public hearing and approve ordinance amendment is seconded by councilmember cole. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of seven to zero.

Mr. zapalac?

Mayor, on item 139, the appeal concerning the hyde park baptist church, there is agreement by both the applicant and the neighborhood to request a postponement on this item to november the 6th.

So move.

Mayor Wynn: Motion by councilmember shade,ed by councilmember morrison to postpone item nn number 139, this public hearing regarding the site plan with the hyde park baptist church to our november 6, 2008 meeting. Further comments? Hearing none, all those in favor please say aye.

Opposed? Motion to postpone passes on a vote of seven to zero. Technically we have a couple of folks signed up in opposition to item 140, so with all due respect to staff and everybody, let's skip over to go to public hearing item number 141.

Good evening, mayor and council. My name is virginia collier neighborhood planning and zoning department. This is the full purpose annexation. The next public hearing is scheduled for next thursday here at 6:00 p.m. Council will not be taking action at either of the readings, but ordinance readings are scheduled for OCTOBER 23rd. Item 141 is the las cimas annexation area. Upon annexation the city will provide full services to this annexation area. Copies of the plan are available this evening and i can answer any questions you may have on this annexation.

Mayor Wynn: Thank you. Questions for staff, council? Comments? Are there any citizens that would like to give us testimony in this public hearing, item 141, receiving comments regarding the annexation of the las cimas area? Hearing none, all those in favor please say aye. Motion by the mayor pro tem, seconded by councilmember leffingwell to close the public hearing, item 141. All in favor please say aye. Opposed? Motion to close the public hearing passes on a vote of six to zero with councilmember shade techily off the dais.

Item number 142 is a limited purpose annexation area. THIS IS the McCarty tract. Full purpose annexation would take place at the city's discretion. Copies of the limited purpose planning study and regulatory plan are available this evening and i would be happy to answer any questions you might have on item 142.

Mayor Wynn: For staff, council? Comments? Are there any at this time sens that would like to -- are there any further discussion citizens that would like to give testimony during the limited purpose ANNEXATION OF the McCarty track annexation area? Hearing none, I'll entertain a motion to close that public hearing? Motion by councilmember martinez, seconded by councilmember leffingwell to close the public hearing, item 142. All in favor please say aye? Opposed in motion to close the public hearing passes on a vote of seven to zero.

> Item number 143 is the full purpose annexation of 48 acres of developed commercial properties located at the intersection six 20 and anderson mill road. The city will provide services outlined in the annexation plan and I will be happy to answer any questions you have on this item 143.

Mayor Wynn: Thank you. Questions? Are there any citizens that would like to give us testimony on this public hearing, item 143 concerning the full purpose annexation of the full purpose annexation area? I'll entertain a motion? Motion by councilmember leffingwell, seconded by councilmember martinez to close this public hearing, item 143. All in favor? Opposed? Motion to close the public hearing passes by a vote of seven to zero.

> This is located in travis county north of anderson mill road along sandy loam trail. This area includes portions of 11 single-family lots that will be partially annexed with the anderson mill m.u.d. Copies of the

annexation are available this evening.

Mayor Wynn: Questions, council? Again, any citizens that are here to give testimony at this public hearing the full purpose annexation of the sandy loam trail annexation area? I will entertain that motion. Motion by the mayor pro tem, seconded by councilmember morrison to close this public hearing, item 144. All in favor please say aye. Opposed? Motion to close the public hearing passes on a vote of seven to zero.

Item number 145 is the tsm ventures full purpose annexation area. This is an owner initiated annexation. This area includes approximately 23 acres and is located south of parmer lane -- west of state highway 130 and south of parmer lane. Upon annexation the city will provide municipal services to this area. I can answer any questions you have on item 145.

Mayor Wynn: Questions, council? Are there any citizens that would like to give us testimony at this public hearing regarding the full purpose annexation of the tsm ventures annexation area, approximately 23 acres? Thank you. I'll entertain that motion. Motion by councilmember leffingwell, seconded by councilmember shade to close the public hearing, item 145. All in favor please say aye. Opposed? Motion to close the public hearing passes on a vote of six to zero with councilmember martinez temporarily off the dais.

Item 146 is the anderson mill road and rm 620 right-of-way full purpose annexation area. This includes approximately 35 acres locate understand williamson and travis county. These are the rights of way surrounding anderson mill which will annexed december 31st of this year. Upon annexation the city will provide full municipal services through these areas and copies of the service plan are also available this evening.

Mayor Wynn: Thank you. Again, are there any citizens here to give us testimony at this public hearing regarding the full purpose annexation of the anderson mill road and 620 right-of-way annexation area? I'll entertain that motion. Made by the mayor pro tem and seconded by councilmember morrison to close the public hearing, number 146. All in favor? Opposed? Motion to close the public hearing passes on a vote of six to zero with councilmember martinez off the dais.

I just wanted to point out item 147 was postponed to the october 16th agenda. And then I'll go back to item 140, the bunny run full purpose annexation area. This includes approximately six acres and is located in travis county south of the intersection of bunny run and live oak drive. This area is currently in and is adjacent to the city's full service annexation to the east. The city will provide full municipal services to this area as described in the service plan, copies of which are rainfall this available this evening. I can answer any questions at this time.

Questions for staff, council? We have a couple of folks that would like to give us testimony on this public hearing, item 140, the bunny run annexation area. Our first citizen who had signed up to give us testimony is randi schmidt. Signed up to speak and in opposition of the annexation. Also signed up is david gibson. Welcome. You will have three minutes. mayor, members of the city council, I'm against

the annexation. I think that the bunny run neighborhood association, which I'm a member of and a number of the properties in the -- in this annexation should have been involved, should have been inform. Most of them found out just by accident and probably late last week. And I think they should have been able to weigh in since they're adjacent properties and the members of the association are involved in this annexation. One of the things I noticed was that the city talks about providing fire protection and the reality is that the improvements to the water supply, because it isn't provided by the city. I don't think there is proper fire protection, certainly on the date of annexation there won't be any fire hydrants within a reasonable of the properties being annexed. The closest fire hydrant i found is about a third to a half a mile down the street, and I think that fire hydrants are critical for fire protection, and that should be a priority on an accelerated scale, something faster than I believe what is is two years or so that is provided for? These are some of the reasons why I think that the city council should give pause and perhaps some things -- some improvements into the infrastructure should be front loaded into this annexation process. That's it.

Mayor Wynn: Thank you. That's all the folks who signed up to give us testimony. Remind us again of this -- the timing of this process and which of the public hearings this represents for the bunny area?

I can comment, the fire department did review this area when we proposed it for annexation and they didn't identify any limitations with water supply in providing service to this area. They did say that both first in and effective response goals could be met in providing service to this area, but any capital improvements that would be required to provide service would need to be completed within two and a half years of the annexation and they are allowed up to four and a half years to install those large capital projects.

You probably said thisser. I heard you so quickly on the other ones. Again, what is the timing of this annexation and which of the required public hearings does this represent?

This is the first of two public hearings. The annexation itself would be approved october 23rd and then effective DECEMBER 31st.

Mayor Wynn: So what's going to happen between now and say october 23rd now simpson and at least one other neighborhood and perhaps the neighborhood association might be in opposition? What kind of outreach or information is available to them?

We can visit with the fire department and see if we can find the information that they need to reassure these rez that fire service can be provided to this area.

Mayor Wynn: And remind me, the next public hearing actually required on-site public hearing?

No, sir, the next public hearing will be here next week at 6:00 p.m.

Mayor Wynn: And have we had an earlier public hearing on this annexation?

No. There are only two public hearings.

Mayor Wynn: So david, if I can make a request of you is to make sure that collier has your personal contact information and we'll see that there's some dialogue occurring well in advance of the october 23rd public hearing.

Okay. Would I be able to provide her with the president's name and let her --

Mayor Wynn: Absolutely.

She could connect directly with him?

Mayor Wynn: We probably have on record, but we'd appreciate it. Thank you. collier, before you get away, councilmember leffingwell.

Leffingwell: With regard to the services, fire or anything else, it's my understanding we have to provide an equal or superior level of service, so whatever those issues are, they would have to be resolved before annexation could occur.

That's correct. Upon the effective date the city would be providing fire service.

Mayor Wynn: Remind me. Worst case scenario, ultimately the recourse that somebody has to challenge that, that is, even post-annexation, if somebody were to challenge that in fact the services aren't equal or superior, what does the law allow in that regard?

I'm not sure I can answer that question. I know if the dents find that the city is not -- if the residents find that the city is not providing services as outlined in the service plan there is rein this case and that would be to ask for their area to be disannexed. I'm not sure how to answer that question.

Mayor Wynn: And I think I was told on item 147, the public hearing regard the full purpose annexation of the anderson mill road u.s. 183 Annexation area, we have to go ahead and take affirmative action to actually do the postponement, correct?

Right.

Mayor Wynn: The proposed postponement date was?

October 16th.

Mayor Wynn: So council, I'll entertain a motion to postpone public hearing 147 full purpose annexation public hearing of the anderson mill road and u.s. 183 Annexation area to our october 16th, 2008 meeting. Motion by councilmember leffingwell and seconded by councilmember shade. All in favor of the postponement, please say aye. Opposed? Motion to post pane passes on a vote of 6 to zero. Thank

you, ms. collier. I appreciate everybody's patience. So that leaves us with --

excuse me, can i interrupt. We didn't close number 140.

Mayor Wynn: Thank you very much. That's right. So council, any more -- any collier or neighbors or anybody else on this public hearing, receiving comments with no action posted on the full annexation of the bunny run annexation area? Hearing none, all those in favor please say aye. Motion by councilmember morrison, seconded by councilmember cole to close this public hearing, item 140. Comments? Hearing none, all those in favor please say aye. Opposed? Motion to close the public hearing of item 140 passes on a vote of six to zero with councilmember martinez off the dais. rusthoven that leaves us with public hearing item 135, the dell viewsh center zoning case.

Good evening, mayor and council. I'm jerry rusthoven. Both sides are still out in the lobby working on some final details regarding an agreement, so I will go ahead and get started and hopefully they will have reached an agreement by the time I'm done. This case is located at 7300 hart lane. It is 40 acres. The requested zoning change is from sf-3 to pud, from family residence to planned unit development zoning. The request is the dell jewish community campus. The staff recommendation is to approve the case with limitations, specifically the staff recommended zoning with sf-3 site development standards, however we did recommend increasing some of those site development standards such as height, limiting height adjacent to single-family properties, and increasing the impervious cover as well as allowing the uses that were requested by the applicant. We also included the conditions that were in the tia submitted by the applicant. The existing property, as i said, is at the dell jewish community center campus. In 1996 there was a conditional use site plan filed for this property. That conditional use site plan was approved by the planning commission. It was approved -- the planning commission. It was appealed to the city council in 1997. They denied the appeal of the site plan. The property was then built with the existing uses, which include a synagogue, a community center, a fitness center, a day care and a primary school. is to allow an expansion of the campus because the cup site plan expired after three years and they would have to come back and seek another conditional use permit this time or seek zoning. They have decided to seek zoning because it does not expire like a site plan. What the applicant would tobacco like do do with the zoning is add a second synagogue, add secondary education, expand the day care use, expand the community center use, expand the fitness center use, and as well as possibly add some offices that are accessory to the uses that are on the -- currently on the campus. At the zoning and platting commission hearing, both sides came to the meeting with an ordinance, a draft ordinance that they had prepared jointly. Told at that time that the party's agreed on everything that was in the ordinance, the draft ordinance, with the exception of how often the trips are counted, as development occurs, and a requirement for a private restrictive covenant. The zoning and platting commission approved the request with all the items in the agreed upon ordinance with the exception of the request for follow-up traffic counts, and they offered their own recommendation to do follow-up traffic counts at 40 percent buildout as well as 90% build out and they did not include any recommendation with regard to the private restrictive covenant. What is before you tonight in yellow is the draft ordinance as recommended by the zap. However, I have taken items that have been agreed to by both sides and made about 42 changes to the items since the zoning and platting commission. Make that 44. [Laughter] and so we have made those changes. You also have in your backup a public

restrictive covenant which addresses the website issue, that will be that there will an website created that will identify residents of construction as well as events involving amplified sound. I have also included the petition. We do have a valid petition in this case. Currently that petition stands be at 23.5 percent. There has been movement today of people putting their names on and people taking their names off. However, at this point the petition is valid. We have a land plan over here that we can put on the screen for y'all. I can go into more than detail about the things that are in the ordinance if you would like. It's rather lengthy, about eight pages. I also have a list of amendments, but it would appear that both sides agree to it at this time and if you would like I could read those in after we have a motion to an amendment to the main motion. With that I'm available for any questions.

Mayor Wynn: Questions for jerry? Isn't it impressive that after 20 years in austin, somebody from chicago starts saying y'all? Proud of you, jerry. Further comments, questions? Not, then I guess we'll open up the public hearing and let me make sure I have this right. The applicant is in fact the dell jewish community center. richard suttle. suttle will give the opening applicant agent's presentation. You rive that for five minutes -- you reserve that for five minutes, but folks to offer time. Folks were offering time to other speakers who are here to speak in favor of the zoning case. You can get done in five minutes?

It appears --

Mayor Wynn: I missed something, didn't i?

McCracken: How much time do we have for each side currently?

Mayor Wynn: There are -- if everybody were to speak or use all the time that is currently donated to them, there would be 90 min public testimony. And of those 20 speakers,, approximately 14 are in favor and six are in opposition. But -- so it's close to 40 minutes a side right now. Maybe 50/30 right now.

McCracken: Seeing all the people in the audience, I was making sure we didn't have four and a half hours of testimony because people would probably appreciate not spending four and a half hours here as well.

Mayor Wynn: There's a bunch of folks who were trying to curry favor by being here, signing favor not wishing to speak, about 125 of those. So we do appreciate that. I would characterize this as a manageable public hearing. And we appreciate that. So -- before we start the clock and start the process, sorry I had to step out of the room for a couple of minutes. Can we get a quick update as to what was occurring out in the lobby, the discussions or negotiations?

Mayor, I've just been informed that they may have an agreem land the language is being -- and the language is being penned as a speak. I don't know if you want to pause for a couple of minutes.

Mayor Wynn: It seems to me if there is going to be an agreement, I do think some some folks will still want to give us testimony. That's fine.

I see people shaking hands and people giving thumb's up and jerry is coming back, so I'll let him talk.

Mayor Wynn: I'm suggesting based on what we hear if there is an agreement, hopefully a number of folks will be satisfied and wouldn't want to give us testimony, but we would still allow for folks to give us testimony. Mr. rusthoven?

Mayor, I'm happy to announce we have an agreement between the neighborhood and the dell jewish community campus. [Applause] I do believe there is still one person who would still like to speak. However, if you could, after we have a motion, I do have several amendments that i would like to read in about three page's worth. So I'll wait until we have a motion. I believe y'all would like to hear about the settlement and I'll read those in as soon as we have a motion.

Mayor Wynn: Fair enough. Welcome.

Okay. I am an immediate neighbor. My name is patty edleman. I am in a unique position because I am both jewish and a neighbor and also because I'm the person that found the property for them over 13 years ago. I really had wanted to ask y'all to not change the zoning on the property. The original agreement that was made between the neighbors, the dell center and the council in '98 was that it would remain zoned sf-3 with the restrictions of the impervious cover and the limits. My feeling is that a deal is a deal, and a deal is a deal is one of those sayings that's going around town right now. Actually, former mayor pro tem betty dunkerley was on the news last week saying a deal is a deal and we have to stick to it. That's the way I feel about it. I think a deal is a deal. The traffic limit was at 4262 cars and it was for a 20 year deal and it wasn't they could come back 10 years later and say oh, we don't really want this deal anymore, we want to change it. I realize this is not a comfortable position for any you on the dais to be in, having to vote against neighbors or having to vote against an entity that has the dell name on it or to vote against the jewish community. But I look at it as a deal is a deal, and my neighborhood deserves to have some consideration. You wouldn't allow the ymca to come into my neighborhood and impose the amount of traffic that they're projecting, and even their tia is probably flawed considering that their 20 year project was 4264 car trips per day, and in 10 years with only a third of the property built out, they've already reached that limit. If any other entity was coming here, I kind of think that you will at least give it -- give the neighborhood's position more consideration. And so I request that if you're going to do this that you really think long and hard about whether this is something you would want in your backyard. We have constant truck traffic. And people say trucks? How could there be trucks? truck and the delivery trucks that bring in the food and the buses that -- for the children. And on and on and on. There's 20, 3040 miles per hour traffic on the road next to my house.

Literally on the other side of the fence from where I sleep all day and all night. Until recently when they finally got the message that not picking up the garbage 00 was part of the deal that they originally had, there were many nights when 00 in the morning there was garbage collected. Or when they have special events there's -- [buzzer sounds] I have some donated time.

Mayor Wynn: You're right. Is steve spear -- catherine or victoria leonard?

No, they're not here right now.

Mayor Wynn: Our rules state that folks need to be present in the chambers, but there may be somebody here who had signed up and would donate their three minutes. Anne dingler? [Inaudible - no mic].

Mayor Wynn: Three more minutes.

So it's not just the -- certainly the traffic on our neighborhood streets because these are neighborhood collectors. They're not major four lane divided highways such as where the ymca is located on 183. They're our neighborhood streets. And I ask when you start to make the decision of how this is going to go down, that you think about what it would be like to sleep on a bed on the wall 30 feet or less away from where there's truck traffic, where it's constantly -- and they're asking for part of what they want tonight, but if you look at the uses that they've listed in the ordinance, it's more andrew mcintosh more. It's a home for the elderly. It's not only the elementary and middle school, which they got after the last hearing. It's now a high school. It's more recreation facilities. A 250-seat theater. And they could come in and a synagogue in any zoning, so they don't have to have a zoning request to do that. And a lot of these people are here because they are members of the synagogue that really wants to be on the site. And I don't have a problem with that. But they don't have to have a zoning change to do that. So think about it. Think about how you would feel if this was your next-door neighbor. Thank you.

Mayor Wynn: Thank you.

I believe we have one more speaker from the neighborhood who would like to stand up and make a comment about withdrawing the petition. shuttle subtle would also like to make a quick statement and then we'll go to the motion.

Mayor Wynn: Yes, please. We'll hear from the neighbor first. Welcome.

Good evening, name is james fitzgerald. I live at 3708 greystone immediately adjacent to the jcc. I was the petition filer on behalf of a lot of my neighbors. As you can tell this is an extremely hotly contested issue on property rights. I appreciate you taking the time to look and the patience for us to come to a negotiated agreement. I do withdraw the petition on my behalf to proceed forward so that this issue could come to a close; however, I want to reiterate that now and in the future please pay attention to the neighborhood because the majority of people who in mass for the past year are going to reap all the benefits, but experience none of the impact. And in essence that's the bottom line of the experience here. And that's it, thank you.

Mayor Wynn: Thank you, greg, and for all your work. Mr. subtle?

Mayor, members of the council, thank you for the opportunity to be here tonight on behalf of the campus. And I will not speak. It's a complicated case and we can all talk about it later. But I would like to thank everybody that came out tonight and at the planning commission hearing. And if you are here in support of the campus, would you please go ahead and stand? People that gave their time from their

families and their evening to come and either address you or show support. And many of these people do live in and around the campus and they will enjoy and appreciate the benefits. Thank you. And apparently we have an understanding and an agreement that is in a form now that can be in the ordinance. And everybody agrees. Thank you.

Mayor Wynn: Thank you, subtle and for your work. rusthoven, can you walk us through this now?

Thank you, mayor. Would you like to get a motion on the table first and then make amendments to it or would you like for me to read in things that have been agreed to and we can do it all in one motion?

Mayor Wynn: We might as well hear it all at once.

The changes that I have, and some of them I have a place in the existing ordinance where I can tell you it is changing. Others if it's okay with the council, we will work with the law department and find the appropriate place to put those into the ordinance. The first change I have is to -- these will not necessarily be in order. Is part 5 of the ordinance, letter m, which addresses tennis courts. It will now say the largest number of tennis courts permitted is eight. Bleachers for 50 people are allowed. The tennis courts may only be, and the word used is changing to lit, between 9:00 a.m. and 10 p.m. 10:00 P.m. That's the first change. The second change is to change part 5, letter d, which would now read, 100-foot building set back line shall be stand from the north and west property lines for lot 1. On lot 1 all proposed buildings shall be at 100 feet from any existing residential structure. Also on part 5, letter n under lighting, sound and dumpsters,, we will be changing the portion that is underneath section 2, which will now be directed to read, temporary outdoor speakers other than for recommendation services -- other for religious services shall be directed toward hart lane only and be located 300 feet from the property lines. Sound application is subject to the city of austin sound ordinance. Those the second change. The next change does not address a portion that's the. We will be adding it to it. And this addresses sidewalks on hart lane. This will say within one year after certificates of occupancy are issued for new buildings containing a cumulative total of 185,523 feet, not one more, the existing owner shall improve the sidewalks on one, the existing sidewalk on the east side of hart lane south of the southern most driveway next to the existing driveway on hart lane will be widened to five feet. The existing sidewalk on the west side of hart lane north of the southern most driveway to the north of the property line will be widened to five feet. A crosswalk shall be painted across hart lane between the northernmost and southern most driveway and no utility relocation is required to add the additional two feet to the existing sidewalks. What does in plain english is it requires a sidewalk on the east side of the street on hart lane between far west and the southern most driveway to the property. And a widened sidewalk on the west side of hart lane between the southern most driveway and greystone boulevard. The final change, which again does not address a specific part of the ordinance, but will be added to the ordinance, will say, one, add a provision to the pid that applications for amendments to the pud may only be filed once every 12 months unless the owner, the jcca, has the approval of the northwest austin civic association, to file out of cycle or in other words more frequently. Two, add a provision to the pud that expands be the a, expand the notification area from persons within 500 feet of the subject property being rezoned to persons within one thousand feet of the subject property being rezoned. And b when an application to rezone any portion of the jcaa property is committed, notification must be sent to

persons within one thousand feet of the boundary of the jcc property as it exists today, the original pud boundary. In other words, the same properties who received the notice of the purnt pud zoning would receive notice in any of the pud were up for rezoning in the future. And adding a condition to both of these requirements that any notice beyond that which is required by the code today, which is 500 feet, if notification is not give tone anyone between 500 and one thousand feet that that notification will not be held against the case. It will not be found to have an error in notification if a mistake is made. And requires the jcaa to require persons who own property that abut the djcc on greystone and chimney corners no later than 45 days from an application of filing to changes to the pud. That is the changes we have made to the ordinance and the restrictive covenant that are on the dais today.

Mayor Wynn: Thank you, mr. guernsey. Actually, council, before i open up to comments and amendments, I am told there is one other person that i wanted to speak before we got into the legislative dialogue up here. Is shelly white still here? Welcome. I apologize then it looks like jean otto wanted to donate time to you. Is jean still here? Our rules are you have to be present in the chambers to do that. If you could limit your comments to three minutes. I'm sellly white. Last year I told them that the noise from the dumpsters being emptied was waking us up at night. They told us it wasn't their pickup, but their neighbors. It was two months from when I first told the j and repeatedly told them until they changed their garbage pickup schedule. Another neighbor went into the complex and saw dumpsters within 100 feet. Boundary. Council had ordered the dumpsters at least 100 feet from boundaries and pickup as conditions of the original building and the j was still disregarding both. Other neighbors have also complained about noise from deliveries at night and from amplified sound at outdoor events. They have not agreed to limit the number of outdoor events, without with amplified sound. Even though their campus backs to residential on all sides. We have had heard their pa in our home with their windows closed and our house does not even adjoin their campus. Pud zoning allows 85 decibels, which is a rock concert level of noise. Please don't allow this next to homes. We already hear noise from the current sports field at the far side of the site. Now they want to add a field on the side of the sigh adjacent to our homes. For over a year we have asked not to put a sports field there to no avail. Sports fields had been limited to the southeast corner by the council resolution from 10 years ago. Why can't the j stick with that and put the second field where it was originally plotted? With 45% impervious cover on a 40-acre tract, they can certainly fit it in somewhere else instead of the southwest corner. We have a three-year-old and a five-old-month baby. We purposely bought a home in a quiet area in which to raise a family. Try putting two little ones 00 every night with the noise of screaming fans diagonal from your home. We have agreed to a second sports field and tennis courts to the site only if they're set back at least 300 feet from the north and west lot lines. We are concerned about possibly not having restrictive covenant to protect us in the event of future changes to the site which would adversely affect we neighbors. Last time zoning and planning recommended closure of fire stone drive to traffic and council agreed. This traffic would come out by single-family homes and on to far west at doss elementary school. Please keep fire stone closed. Most of us neighbors feel we could have come up with a workable solution with the j. We have not all agreed, as people are leading you to believe this evening. But rather than finish negotiations with us, the j failed its plan with the city, including very few of the over 20 items they had agreed upon with the neighborhood this year. It seems like now we're trying to have to fight for items that they had already agreed to do. We feel deceived by the j. I still do. And the

people representing them and because of this and our experiences with noise from the site, I can truly say they're not being the best of neighbors. If they were good neighbors, they would have honored the resolution agreement with the neighborhood from 10 years ago and this agreement lasts 20 years. It should still be in effect. And also abide by what they negotiated with us this past year. It is not as they claim essentially the same plan as they had 10 years ago. There are changes from before. Besides moving the sports field, they're adding a parking garage, a water park, and a cultural arts center. The cultural arts center might not be in their current plan, but we gave 200 seats for this theater and they raise it had in negotiations up to 300, which led me to believe it is probably part of their plan at some point here out in the future. 52% Neighborhood association was generally in favor of this rezoning. [Buzzer sounds] we've got the largest neighborhood association in town. Most of these people here in support I'd say probably could count on one hand those that are adversely affected. They're either members or directly -- either members or employed by the j. So please don't open up this tract unless the j takes its neighbors' concerns into account and promises to in the future and has a restrictive covenant in place to help protect us. And please ensure the growth is compatible with close neighbors. Thank you.

Mayor Wynn: Thank you, ms. white. So jerry, -- so I guess, council, jerry had outlined these recent agreements.

That's right, mayor. I do have a quick addendum to the addenda, at the request of mayor pro tem mcracken. That would be on the portion I read about the sidewalk we add a fifth condition that a sidewalk five feet in width shall be contact constructed on the west side of hart lane all the way to greystone drive. This would add one single-family lot that is squeezed between the campus and greystone to ensure a complete sidewalk all the way along hart lane. And a sixth condition would be approval of the crosswalk will be contingent upon the approval of the department of public works and transportation.

Mayor Wynn: Mayor pro tem.

McCracken: Just to elaborate on that, and I do appreciate the jewish community association, the neighborhood and staff's work on this. We're going to need the city staff's help now, and particularly public works. We've got two problems. One is that the sidewalks get down to about two to three feet on hart lane, and there is -- and so what the association is going to do is actually there's room on one side to actually make the sidewalk five feet, which is actually our standard for these developments is 12 feet wide, so we're doing a compromise, but it's a compromise because the road is too wide. So we need two things from our public works staff. One of which is we need to make sure that we have staff's help to get that crosswalk. Because we don't have any ability for families to walk on the sidewalk to get to the association to worship on saturdays. A lot of the congregants walk to worship on saturdays. We have to have someplace for them to walk. It is physically impossible to walk on the -- to billion the sidewalk wider on the west side because there is a cliff. That is a legitimate problem. The road is very wide on hart lane. It's actually one of our wider local roads. So over time we're going to need to have that road fixed also because we need to have sidewalks that meet our standards. But for now we need to make sure that we have the staff's help to make sure that the crosswalk is approved tonight because it is a

safety issue and it's a critical part of ensuring the safety of the congregants and of the neighbors.

Mayor Wynn: Councilmember shade.

Shade: I'd like to make a motion displierchitsd for this work. And I would like to make a motion as amended and as agreed upon by all parties on all three readings this evening.

So we have a motion by councilmember shade to approve this agreement as rusthoven on all three readings, item 134.

Leffingwell: Mayor, could I ask for one clarification. It's not ordinance language, it's drafting instructions. So the motion would need to be that staff draft ordinance language to implement these drafting instructions, not that this language needs to be included in the ordinance.

Shade: So moved.

Mayor Wynn: Motion by councilmember shade, seconded by councilmember cole. Further comments on the motion? Councilmember morrison.

Morrison: I want to say that I'll be delighted to support this motion, and i want to thank everybody. I know it's taken a lot of flexibility in the past few hours to get to where we are, but I think this is just such a much better way to move into the future, so I appreciate everybody's willingness talk until the last minute and get something not perfect, but something to address the concerns that we're still being raised. Thank you very much, everybody.

Mayor Wynn: Further comments on our motion? Again, to close the public hearing and approve on all three readings. Sorry, a motion and a second to the table to close the public hearing and approve on all three readings. Sorry, council, I am told that one other citizen wants to give us testimony. I'll reluctantly do that now that we've begun the legislative dialogue, but nicholas white, is he with us? Welcome.

I'm the one with the crying baby outside. I'm nicholas white and we have two children and bought our house three years ago and we live within eyesight of the j. We'll be directly affect bed by the change in zoning. And the neighborhood group needs a restrictive covenant to save guard against a few things. I want to pose a few questions. If the zoning changed, what stops the j's management, our future management from putting a lighted sports field right next to the homes or from putting multi-story buildings that are right next to neighbors. Or from having maybe too many 85-decibel events occurring, or from selling off a parcel of the property in the future to a commercial developer? I don't fully understand what stands in place from that not happening. And I know the current management of the j has the best of intentions, but what stops them from changing their plans two years from now. What stops them from having new management seven years from now, changing their plans? I don't understand what safeguards the neighborhood for developments going off parcel property. Lighted sports fields that are too close to neighborhoods to the houses. 85-Decibel events that are too frequent. So I think a restrictive covenant just safeguards that for both sides. It keep both parties kind of happy

with each other. If you rely on the management, and we all deal with organizations, management changes, changes direction. New management will come in. With the changed zoning, what's going to save guard against those four things? And you know the neighborhood association has got a negotiating group with the j for the last year and a half. And so have the reasonable requests coming in from that group and taken seriously. And have they wound up in the proposal that's before you? And my understanding is that they have not. A number of them haven't. And the neighborhood association, it's primarily -- and the neighbors all volunteer. The j has tremendous resources. I hope that you fairly weigh what is just for both parties, not just one or the other, but for both, safeguarding immediate neighbors and the greater neighborhood from the four examples that I gave. And again, the j management might have the best of intentions, but what's to stop them from a change of plans two years from now? What's to stop a new management seven years from now from shifting plans dramatically? That's what good agreements are for. Thank you.

Mayor Wynn: Thank you, mr. white. If I can, I'll just try to answer that. After these years on this dais, in they'rery what keeps that from -- what in theory keeps that from ordinance is in fact law. Is there big challenges from a municipal management standpoint when you have 20 square miles and 800 people and the fastest growing city in america policing that and always making sure that things are compliant as written to the letter of the law, it's challenging. I think overall the city does a pretty good job based on all of those challenges. But so this ordinance that will be written by our attorneys and in theory signed by me in a few weeks if david smith, city attorney, says that it accomplishes everything that we are talking about here legislatively, that is the protection. Now, having said that, any property owner anywhere in this city, any time, could come to us in a very structured format and ask to change the rules. That is, they could he he you and your family could come to us tomorrow and apply for cbd zoning on your lot. It's likely not going to happen, but anybody can do that any time. That's how they try to manage land use. It's very structured, very practiced, very public. It's very lengthy. The vast, vast majority of the complaints we get is how difficult it is, how long it takes to go through this very structured and practiced format of working with staff, understanding the rules, applying for a change of rules, who do I go to to start applying, how many boards and commissions do I go to before I come here having suffered through numerous public hearings? So that's how we try to police it. But fundamentally we also, every property owner in this city has that opportunity at any time to ask frankly that the rules be changed, but we are very structured about how rule get changed and the fact that -- frankly the fact that your neighborhood has been in negotiations with the community center now for well over a year is part of that. I promise you that the community center didn't lightly, quickly approach us with this change. Enforcement is the protection, but do know that anybody can ask for change of land use, and we do it frequently every seemingly because there might be a few dozen cases on our dais tonight, but there are tens and tens of thousands of people, property owners, who are trying to want to do it and never even get close to this format because what they're asking for to work, isn't going to be accepted politically, it's not going to w logistically from traffic and other compatibility issues. We try our best and we greatly appreciate it, though, when we have two sides, frankly, spending as much time, effort and probably money as was spent in this sort of drawn out series of negotiations that ultimately come to what seems to be as much agreement as practical knowing that not everybody is going to be perfectly satisfied. So we appreciate your concerns. We don't take them slightly and we hope that with this ordinance with the

enforcement, with the continued good management that I have witnessed there with the very active, engaged neighborhood association, and that part of town, we move forward. Thank you. So council, sorry, we have a motion and a second on the table approving the direction for the ordinance drafting as outlined by nichols and mr. rusthoven? Further comment? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of seven to zero.

Thank you, council. So, there being no more business before --

mayor, before we adjourn -- I just wanted to congratulate councilmember shade tomorrow. In less than 12 hours, councilmember shade is going to give birth to a new baby and I her all the best of luck. [Applause]

Mayor Wynn: There being no more business before this city council agenda, we stand adjourned. It is 9:00 p.m.

End of Council Session Closed Caption Log